FOREWORD

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

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

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

R 1000 ADMINISTRATION

Number	Title
R 1240	Evaluation of Superintendent (M)
R 1330	Evaluation of School Business Administrator (M)
R 1400	Job Descriptions (M)
R 1510	Rights of Persons With Handicaps or Disabilities/Non-Discrimination (M)
R 1530	Equal Employment Opportunity Complaint Procedure (M)
R 1550	Affirmative Action Program for Employment and Contract Practices Complaint Procedure (M)
R 1552	Sexual Harassment - Staff
R 1570	Internal Controls (M)
R 1642.01	Sick Leave



R 1240 EVALUATION OF SUPERINTENDENT

A. Frequency of Evaluation

The Superintendent shall be evaluated annually.

B. Evaluation Criteria

1. Job description

2. Annual goals

3. The following criteria as enumerated by the N.J.S.B.A. shall also be used:

   a. Ability to manage;

   b. Ability to lead;

   c. Ability to make decisions;

   d. Ability to communicate;

   e. Supervision and staff development;

   f. Responsiveness to others;

   g. Creativity;

   h. Ability to maintain an effective educational climate;

   i. Effective implementation of Board policies and procedures;

   j. Use of physical and financial resources of the district in a judicious manner;

   k. Demonstration of a broad knowledge of matters that will aid in effectively managing the school district.

C. Collection and Reporting of Evaluation Data

1. The Board shall collect appropriate data to properly evaluate the Superintendent.

2. The Superintendent shall cooperate with the members of the Board designated to collecting data.

D. Preparation of Written Evaluation Report

1. The Board shall consider all of the collected data.

2. The Board shall discuss the data and evaluate the Superintendent based on the evaluation criteria as described in B. above.

3. The Board shall designate one individual to prepare a draft of the written evaluation document.

4. The Board shall review the draft evaluation document and determined required revisions.

5. The Board shall by majority vote approve the evaluation document and have it approved by a majority vote of the Board.

E. Conduct of Annual Performance Conference

1. The Board shall conduct the evaluation conference.

2. The chairperson of the Board shall chair a private session, at which the Superintendent is present, at which the conference is conducted.

3. The Superintendent shall have the right to discuss the evaluation with the Board and file any exceptions to the evaluation in writing.

4. Any exceptions filed by the Superintendent shall be included with any copy of the Board's evaluation.

Adopted: 19 October 2011

R 1330 EVALUATION OF SCHOOL BUSINESS ADMINISTRATOR

A. Frequency of Evaluation

The Superintendent will evaluate the performance of the School Business Administrator annually, no later than April 30, or more frequently as the Superintendent deems necessary.

B. Purpose

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

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

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

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

C. Evaluation Criteria

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

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

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

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

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

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

D. Collection and Reporting of Evaluation Data

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

1. Direct observation;

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

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

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

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

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

7. Reference to previous performance reports.

E. Preparation of Written Evaluation Report

An annual written performance report shall be prepared, no later than April 30, by the Superintendent. The report will include, but need not be limited to:

1. Performance areas needing improvement;

2. A plan for professional growth and development; and

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

F. Conduct of Annual Performance Conference

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

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

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

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

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

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

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

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

Issued: 19 October 2011



R 1400 JOB DESCRIPTIONS

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

B. Each job description must include:

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

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

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

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

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

C. Each job description will:

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

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

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

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

D. Maintenance of district job descriptions shall be the responsibility of the Superintendent. Job descriptions shall be reviewed annually.

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

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

Adopted: 19 October 2011

R 1510 RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/ NON-DISCRIMINATION

It is the policy of the Board of Education that no qualified handicapped/disabled person shall, on the basis of handicap/disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity or vocational opportunities sponsored by this Board. The Board shall comply with §504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The Board shall also comply with the Individuals with Disabilities Education Act through the implementation of Policy No. 2460 and Regulations Nos. 2460 through 2460.14.

DEFINITIONS

Handicapped/Disabled Person - means any person who (1) has a physical or mental impairment that substantially limits one or more of a person's major life activities and includes specific learning disabilities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. (34 CFR sec. 104.3(j))

Disability - means a pupil with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities and who by reason thereof, needs special education and related services 20 U.S. 1401 §602(A), or an individual who has a physical or mental impairment that substantially limits one or more major life activities of such individual. 42 U.S.C. §1201 §3.

Physical or Mental Impairment - means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; muscularskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR sec. 104.3(j)(2)(i))

Major Life Activities - means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (34 CFR sec. 104.3(j)(2)(ii)). Has a record of such impairment - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. (34 CFR sec. 104.3(j)(2)(iii)). Is regarded as having an impairment - means (1) has a physical or mental impairment that does not substantially limit major life activities but

that is treated by a recipient as constituting such a limitation; (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or (3) has none of the impairments defined above, but is treated by a recipient as having such an impairment. (34 CFR sec. 104.3(j)(2)(iv))

Recipient - Any state or its political subdivision, including this Board of Education. (34 CFR sec. 104.3(f))

Qualified Handicapped/Disabled Person - means:

1. With respect to employment, a handicapped/disabled person who, with reasonable accommodation, can perform the essential functions of the job in question;

2. With respect to public preschool, elementary, secondary, or adult educational services, a handicapped/disabled person (1) of an age during which nonhandicapped/nondisabled persons are provided such services, (2) of any age during which it is mandatory under state or federal law to provide such services to handicapped/disabled persons, or (3) to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act;

3. With respect to post secondary and vocational educational services, a handicapped/disabled person who meets the academic and technical standards requisite to admission or participation in the school district's education program or activity; and

4. With respect to other services, a handicapped/disabled person who meets the essential eligibility requirements for the receipt of such services. (34 CFR sec. 104.3(k)(1-4))

Handicap - means any condition or characteristic that renders a person handicapped/disabled.

Disability - means any condition or characteristic that renders a person disabled.

Aids, Benefits, and Services - means aids, benefits and services to be equally effective, are not required to produce the identical result or level of achievement for handicapped/disabled and nonhandicapped/nondisabled persons, but must afford handicapped/disabled persons equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement, in the most integrated setting appropriate to the person's needs. (34 CFR sec. 104.4(b)(2))

Act - means the Rehabilitation Act of 1973, Public Law 93-112, as amended by the Rehabilitation Act Amendments of 1974. Public Law 93-516, 29 U.S.C. 794, the Americans with Disabilities Act 42 U.S.C. §1201 et seq., and the Individuals with Disabilities Act 20 U.S. 1400 et seq.

"Aggrieved individual" means a qualified handicapped/disabled person who alleges a grievance or the representative of such qualified handicapped/disabled person.

"Board of Education" means the Board of Education of the Essex Fells School District.

"Complainant" means a parent(s) or legal guardian(s) of a qualified handicapped/disabled pupil or qualified handicapped/disabled person who files a grievance in accordance with the grievance procedure.

"Compliance Officer" means the district official responsible for the coordination of activities relating to compliance with §504.

"Day" means either calendar or working day as specified.

"Employee" means an individual who receives remuneration from the school district for services rendered.

"Grievance" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding discrimination by reason of handicap/disability.

"Immediate supervisor" means any employee responsible for, or exercising any degree of supervision or authority over another employee or pupil.

"Intermediate supervisor" means the administrator to whom the immediate supervisor is directly responsible.

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

"School district" means the Essex Fells School District.

District Coordinator

The Board will appoint a District Coordinator to coordinate its efforts to comply with the Rehabilitation Act and the Americans with Disabilities Act and Title IX. Such procedures to coordinate its efforts to comply with the act will be contained in this Regulation for pupils, employees and other qualified persons. The District Coordinator will be responsible for the initial evaluation of all allegations, reasonable accommodations, if required, and re-evaluations. The District Coordinator will comply with the mediation and due process requirements pursuant to N.J.A.C. 6A-14-2.6 and 6A:14-2.7 where applicable in cases arising from §504.

Notice

The Board shall notify members of the community, applicants, including those with impaired vision or hearing, and unions/associations within the school district, that the Board of Education does not discriminate on the basis of handicap/disability in violation of §504 or the Americans with Disabilities Act. This notice may include any of the following methods: the posting of notices, publication in local newspapers and magazines and/or distribution of memoranda or other written communications. The policy and regulation may be reprinted in part or in full and distributed to serve as adequate notice.

State or Local Law

The obligation to comply with the Rehabilitation Act and the Americans with Disabilities Act is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of handicap/disability, imposes prohibitions or limits upon the eligibility of qualified handicapped/disabled persons to receive services or to practice any occupation or profession, or because employment opportunities in any occupation or profession are or may be more limited for handicapped/disabled persons than nonhandicapped/nondisabled persons.

EMPLOYMENT PRACTICES

Discrimination Prohibited

No qualified handicapped/disabled person shall, on the basis of handicap/disability, be subjected to discrimination in employment under any program or activity to which the Act applies. The Board of Education will take positive steps to employ and advance in employment qualified handicapped/disabled persons in programs assisted under the Act. The Board of Education will make all decisions concerning employment under any program or activity to which the Act applies in a manner which ensures that discrimination on the basis of handicap/disability does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap/disability.

The Board of Education will not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped/disabled applicants or employees to discrimination prohibited by the Rehabilitation Act. This shall apply to

1. Recruitment, advertising, and the processing of applications for employment;

2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;

3. Rates of pay or any other form of compensation and changes in compensation;

4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

5. Leaves of absences, sick leave, or other leave;

6. Fringe benefits available by virtue of employment, whether or not administered by the Board of Education;

7. Selection and financial support for training including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absences to pursue training;

8. Employer sponsored activities, including social or recreational programs; and

9. Any other term, condition, or privilege of employment.

The Board of Education's obligation to comply with these requirements is not affected by any inconsistent term or any collective bargaining agreement to which the Board is a party.

Reasonable Accommodation

The Board of Education will make reasonable accommodation to the known physical or mental limitation of any otherwise qualified handicapped/disabled applicant or employee unless the Board can demonstrate that the accommodation would impose an undue hardship on the operation of the program. Reasonable accommodation may include making facilities used by employees readily accessible to and usable by handicapped/disabled persons and job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether the accommodation would impose an undue hardship on the operation of the program, the Board of Education will consider:

1. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;

2. The type of operation, including the composition and structure of the school district's workforce; and

3. The nature and cost of the accommodation needed.

The Board of Education will not deny any employment opportunity to a qualified handicapped/disabled employee or applicant if the basis of the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

Employment Criteria

The Board of Education and its administration will not use any employment test or other selection criterion that screens out or tends to screen out handicapped/disabled persons or any class of handicapped/disabled persons unless the test score or other selection criterion is shown to be job-related for the position in question and alternative job-related tests or criteria that do not screen out as many handicapped/disabled persons shown by the Coordinator to be available. The Board of Education and its administration may select and administer tests concerning employment so as to best ensure that when administered to an applicant or employee who has a handicap/disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as provided for in this regulation and the Rehabilitation Act, the Board of Education and its administration, will not conduct pre-employment medical examination and will not make pre-employment inquiry of an applicant as to whether the applicant is a handicapped/disabled person or as to the nature or severity of the handicap/disability. The school district may make pre-employment inquiry into an applicant's ability to perform job related functions.

When the Board of Education is taking remedial action to correct effects of past discrimination or to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity, as provided for in the Rehabilitation Act, or when the Board is taking affirmative action pursuant to §504 of the Rehabilitation Act, the Board may invite applicants for employment to indicate whether and to what extent they are handicapped/disabled. This is permitted provided the Board states clearly on a written questionnaire or makes clear

orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts and the Board states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide information will not subject the applicant or employee to any adverse treatment, and that the information will only be used in accordance with this part of the Regulation and applicable section of the Rehabilitation Act.

The Board of Education may condition an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty provided that all entering employees are subjected to such an examination regardless of handicap/disability and the results of such an examination are used only in accordance with the requirements of the policy, regulation and the Rehabilitation Act.

Information obtained in accordance with pre-employment inquiries as to the medical condition or history of the applicant will be collected and maintained on separate forms that will be accorded confidentiality as medical records. Supervisors may be informed of restrictions on the work or duties of handicapped/disabled persons and any reasonable accommodations. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment. Government officials investigating compliance with the Rehabilitation Act shall be provided relevant information upon request.

Complaints About Employment Discrimination

Complaints about employment discrimination under §504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act shall first be made in writing to the Superintendent or his/her designee. If the complaint cannot be resolved the following grievance procedure shall be followed:

Grievance Procedure - Employment

This grievance procedure shall apply to qualified handicapped/disabled persons who are employees with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The aggrieved individual shall file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the compliance officer.

2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by having the aggrieved individual review the complaint with his/her immediate supervisor.

3. The immediate supervisor shall render a determination to the aggrieved individual within five working days after hearing the complaint. If such complaint is not satisfactorily resolved at this stage, the aggrieved individual may proceed to the next level of appeal.

4. Within three working days after a determination has been made at the preceding stage, the aggrieved individual may present the complaint in writing to the intermediate supervisor, if such there be, who shall orally discuss the complaint with the aggrieved individual. The intermediate supervisor shall render a determination in writing to the aggrieved individual within seven working days after receiving the complaint. If such complaint is not satisfactorily resolved at this stage, the aggrieved individual may proceed to the next level of appeal.

5. Within three working days after a determination has been made by the intermediate supervisor, the aggrieved individual may make a written request to the compliance officer for review and determination.

6. The District Coordinator shall immediately notify the individual, immediate supervisor, and intermediate supervisor in the case to submit written statements to him/her within five working days setting forth the specific nature of the complaint, the facts relating thereto, and the determinations previously rendered.

7. The District Coordinator shall notify all parties concerned in the case of the time and place when an informal hearing will be held where the parties may appear and present oral and written statements supplementing their position in the case and the manner in which the hearing will be conducted. Such hearing shall be held within seven working days of receipt of the written statements pursuant to paragraph 5.

8. The District Coordinator shall render a determination within twelve working days after the written statements pursuant to paragraph 5 have been presented to him/her, or five working days after the completion of the informal hearing. The District Coordinator will provide a written copy of his/her determination to all parties.



9. The aggrieved individual may appeal the determination of the District Coordinator to the Board within three working days of the receipt of the compliance officer's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the informal hearing, and the written determination of the District Coordinator. The Board or a committee thereof may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.

10. Within forty-five calendar days of the filing of appeal, the Board shall provide both parties with a written decision.

11. If the complaint has not been satisfactorily resolved in the above stages, the aggrieved individual may appeal in writing directly to the Office of Civil Rights.

FACILITIES

Discrimination Prohibited

No qualified handicapped/disabled person shall, because a Board of Education facility is inaccessible to or usable by handicapped/disabled persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any activity to which this section of the Regulation applies.

Existing Facilities

The Board of Education will operate its programs and activities so that the program, when viewed in its entirety, is readily accessible to handicapped/disabled persons. The Board of Education is not required to make each of its facilities accessible to and usable by handicapped/disabled persons. The Board may comply with these requirements through such means as redesign of equipment, realignment of classes or other services, assignment of aides, alternative sites, alterations of existing facilities or construction of new facilities or any other methods that result in making its programs or activities accessible to handicapped/disabled persons. The Board is not required to make structural changes in existing facilities where other methods that are effective in achieving compliance with this Regulation and the Rehabilitation Act. The Board will give priority to those methods that offer programs and activities to handicapped/disabled persons in the most integrated setting appropriate. The Board of Education will develop a plan to make its facilities comply with this policy and the Rehabilitation Act. The plan shall be developed with the assistance of interested persons, including handicapped/disabled persons or organizations representing handicapped/disabled persons.

New Construction

The Board of Education will design and construct each new facility or part of each new facility, or in the renovation of facilities or part thereof, in a manner that each such facility is readily accessible to and usable by handicapped/disabled persons. The alterations are not required if the alteration has little likelihood of being accomplished without removing or altering a load-bearing structural member. The Board of Education will comply with the provisions of N.J.S.A. 18A and N.J.A.C. 6 for the construction, remodeling and/or renovation of its facilities.

Complaints About Accessibility of Facility

Complaints about access to facilities shall first be made to the Superintendent or his/her designee. If the complaint cannot be resolved the following grievance procedure shall be followed:

Grievance Procedure - Facilities

This grievance procedure shall apply to qualified handicapped/disabled persons who are not employees or pupils with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The aggrieved individual shall file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the District Coordinator.

2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by reviewing the complaint with the aggrieved individual.

3. In the event the complaint cannot be resolved through an informal meeting, the District Coordinator shall notify all parties concerned in the case of the time and place when an informal hearing will be held where the parties may appear and present oral and written statements supplementing their position in the case and the manner in which the hearing will be conducted. Such hearing shall be held within seven working days of receipt of the written statements pursuant to paragraph 5.

4. The District Coordinator shall render a determination within twelve working days after the written statements pursuant to paragraph 5 have been presented to him/her, or five working days after the completion of the informal hearing. The District Coordinator will provide a written copy of his/her determination to all parties.

5. The aggrieved individual may appeal the determination of the District Coordinator to the Board within three working days of the receipt of the District Coordinator's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the informal hearing, and the written determination of the compliance officer. The Board or a committee thereof may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.

6. Within forty-five calendar days of the filing of appeal, the Board shall provide both parties with a written decision.

7. If the complaint has not been satisfactorily resolved in the above stages, the aggrieved individual may appeal in writing directly to the Office of Civil Rights.

EDUCATIONAL PROGRAM

The Board of Education will not, on the basis of handicap/disability, exclude qualified handicapped/disabled persons from the program or activity and will take into account the needs of such persons in determining the aid, benefits or services to be provided under the program or activity.

Pupils not otherwise eligible for special education programs and/or related services pursuant to N.J.A.C. 6A:14-1 et seq. may be referred to the District 504 Coordinator by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.

The Board will provide a reasonable accommodation(s) to otherwise qualified pupils notwithstanding any program and/or related services required pursuant to N.J.A.C. 6A:14-1 et seq. Timelines for re-evaluations of pupils receiving a reasonable accommodation(s) will be established by the District Coordinator. A re-evaluation may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the District Coordinator.

Location and Notification

The administration will undertake to identify and locate every qualified handicapped/disabled person residing within the school district who is not receiving a public school education and will take steps to notify such handicapped/disabled persons and their parent(s) or legal guardian(s) of the school district's duty under the policy and Rehabilitation Act. Pupils not otherwise eligible for program and/or related services pursuant to N.J.A.C. 6A:14-1 et seq., may be referred to the District Coordinator by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.

Free Appropriate Public Education

The school district is required to provide a free appropriate public education to each qualified handicapped/disabled person who resides within the school district regardless of the nature or severity of the person's handicap/disability. An appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped/disabled persons as adequately as the needs of nonhandicapped/nondisabled persons are met and are based upon adherence to procedures that satisfy the requirements of this regulation.

The school district may place a handicapped/disabled person in or refer such person to a program other than the one it operates as its means of carrying out the provisions of this regulation and IDEA. The school district continues to maintain responsibility for ensuring the requirements of this section are met in respect to any handicapped/disabled person so placed or referred.

A free appropriate public education must be provided to handicapped/disabled person without cost to the handicapped/disabled person or to his/her parent(s) or legal guardian(s), except for those fees that are imposed on nonhandicapped/nondisabled persons or their parent(s) or legal guardian(s). If the handicapped/disabled person is placed in a program not operated by the school district the school district will ensure adequate transportation to and from the program and it shall be provided at no greater cost than would be incurred by the person or his parent(s) or legal guardian(s) if the handicapped/disabled person was placed in the program operated by the school district. If a public or private residential placement is necessary to provide a free appropriate education to a handicapped/disabled person because of his/her handicap/disability, the program, including non-medical care and room and board shall be provided at no cost to the person or his/her parent(s) or legal guardian(s).

Educational Setting

The school administration will place a handicapped/disabled person in the regular educational environment within the school district unless the school district demonstrates that the education of the handicapped/disabled person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The administration will consider the proximity of any alternative setting for handicapped/disabled persons to the person's home. The Board will ensure that handicapped/disabled persons participate with nonhandicapped/ nondisabled persons in such activities and services to the maximum extent appropriate to the needs of the handicapped/disabled person in question.

Evaluation And Placement

The Board of Education establishes standards and procedures for the evaluation and placement of pupils who, because of handicap/disability, need or are believed to need special education or related services through Policy No. 2460 and Regulations Nos. 2460 through 2460.14. Individuals qualifying under §504 shall be evaluated using the following procedures:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel;

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

3. Tests are selected and administered so as to best to ensure that, when a test is administered to a pupil with impaired sensory, manual, or speaking skills, the test results accurately reflect the pupil's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the pupil's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

In interpreting evaluation data and in making placement decisions, the school district will:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2. Establish procedures to ensure that the information obtained from all such sources is documented and carefully considered;

3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options; and

4. Ensure that the placement decision is made in conformity with this regulation and the Rehabilitation Act of 1973.

Timelines for re-evaluations of pupils receiving a reasonable accommodation(s) will be established by the District 504 Coordinator. A re-evaluation may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the District Coordinator.

Section 504 Accommodation Plan

The District Coordinator based on the evaluation of the pupil eligible for services under §504 shall prepare a Section 504 Accommodation Plan which contains at least the following elements as related to the pupil:

1. Name.

2. Date of Birth.

3. Current educational placement.

4. Name of the District Coordinator or designee preparing the Section 504 Accommodation Plan.

5. Handicapping/Disabling condition.

   a. Major life activity impaired.

   b. Educational impact.

   c. Impact on related educational progress.

6. Accommodation (as appropriate).

   a. Physical and learning environment.

   b. Instructional.

   c. Behavioral.

   d. Evaluation.

   e. Medical.

   f. Transportation.

   g. Other.

7. Location of the Accommodation.

8. A listing of individuals participating in the development of the plan, along with their titles and the date(s) of their participation.

9. A certification by the parent(s) or legal guardian(s) of the pupil that they have participated in the development of the plan and give their consent to its implementation.

10. A waiver of the fifteen days notice prior to the implementation of the plan by the parent(s) or legal guardian(s) if the plan is to be implemented sooner than the fifteen days.

Procedural Safeguards

The school district will establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap/disability, need or are believed to need special education or related services, a system of procedural safeguards that includes notice, an opportunity for the parent(s) or legal guardian(s) of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parent(s) or legal guardian(s) and representation by council, and a review procedure. These procedural safeguards shall be in accordance with N.J.A.C. 6A:14 et seq. and Policy No. 2460 and Regulation 2460.7 and/or the grievance procedures contained herein.

Grievance Procedure - Pupils

This grievance procedure shall apply to qualified handicapped/disabled persons who are pupils with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The parent(s) or legal guardian(s) of a qualified handicapped/disabled pupil or adult qualified handicapped/disabled pupil who believe the pupil has a valid basis for a grievance under §504, or the American Disabilities Act shall file an informal complaint in writing, stating the specific facts of his/her grievance and the alleged discriminatory act, with the District Coordinator.

2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff which may include, but not be limited to, the Principal, Child Study Team staff and/or the classroom teacher(s).

3. The District Coordinator will investigate and document the complaint including dates of meetings, dispositions and date of dispositions. The District Coordinator will provide a written reply to the aggrieved individual within seven working days.



4. If the complainant is not satisfied with the District Coordinator's written reply, the complainant must file a formal complaint in writing, setting out the circumstances that give rise to the alleged grievance. This written complaint must be filed with the District Coordinator within three working days.

5. The District Coordinator will appoint a qualified hearing officer within seven working days of the receipt of the written grievance. The hearing officer will conduct a hearing within seven working days. The hearing officer will give the parent(s) or legal guardian(s), pupil or adult pupil a full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent(s) or legal guardian(s), pupil or adult pupil may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the District Coordinator and aggrieved individual within seven working days of the hearing.

6. The complainant may file an written appeal to the Board if not satisfied with the hearing officer's decision. The Board, through the Superintendent, will provide a written disposition of the alleged grievance.

7. The complainant may request Mediation and Due Process in accordance with N.J.A.C. 6A:14-2.6 and 2.7 if unsatisfied with the written decision of the Board, or if specifically requested by the parent(s) or legal guardian(s), or adult pupil the aforementioned N.J.A.C. 6A:14-2.6 and 2.7 grievance procedure must be followed.

Nonacademic Services

The Board of Education will provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped/disabled pupils an equal opportunity for participation in such services and activities. These services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or school clubs, referrals to agencies which provide assistance to handicapped/disabled persons, and employment to pupils, including both employment by the school district and assistance in making available outside employment.

The Board of Education and administration will ensure that qualified handicapped/disabled pupils are not counseled toward more restrictive career objectives than are nonhandicapped/nondisabled pupils with similar interests and abilities. The Board will provide to qualified handicapped/disabled pupils an equal opportunity for participation in physical education courses, athletics, and similar programs and activities. The school district may offer separate physical education and athletic activities to handicapped/disabled pupils only if separate or differentiation is consistent with the requirements of the Rehabilitation Act and no qualified handicapped/disabled person is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

MISCELLANEOUS

Provisions Applicable to All Grievance Procedures

1. If the same or substantially the same grievance is made by more than one individual, a single individual may process the grievance through the grievance procedure on behalf of all aggrieved individuals. The names of all aggrieved individuals shall appear on all documents related to the settlement of the grievance.

2. An aggrieved individual may be represented or accompanied at any time by a person chosen by the individual.

3. An employee may use personal leave time when it becomes necessary to process a grievance during work hours.

4. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible.

5. There will be no reprisal of any kind taken against any aggrieved individual for participation in a grievance.

6. All documents, communications, and records regarding the processing of a grievance will be filed in a separate file and will not be kept in the personnel or pupil file.

Issued: 19 October 2011



R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of State statutes and administrative codes, and Federal laws and Policy 1530, guaranteeing "equal access to all categories of employment without discriminating on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a)."

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

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

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

B. Definitions

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

2. "Complaint" means an alleged discriminatory act or practice.

3. "Complainant" means a staff member who alleges a discriminatory act or practice.

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

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

6. "School district" means this school district.

C. Procedure

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

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

3. The complaint shall include:

   a. The complainant's name and address;

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

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

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

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

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

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

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

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

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

   a. The original complaint;

   b. The response to the complaint;

   c. The Superintendent's decision;

   d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and

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

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

10. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.

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

12. The complainant will be informed of their right to appeal the Board's decision to the:

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

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

D. Record

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

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

Issued: 20 March 2024

R 1550 AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND CONTRACT PRACTICES COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for district employment the opportunity to appeal an alleged violation of the district's Affirmative Action Program for employment and contract practices, as set forth in Policy No. 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.

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

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

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

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

B. Definitions

1. "Board of Education" means the Board of Education of the Essex Fells School District.

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

3. "Complainant" means a staff member who alleges a violation of the district's Affirmative Action Plan or Policy No. 1550.

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

5. "School district" means the Essex Fells School District.

6. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy No. 1550 or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of district employment or contract practices and/or to correct the results of past discrimination.

C. Procedure

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

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

   a. The complainant's name and address,

   b. The specific failure to act that the complainant complains of,

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

   d. The results of discussions conducted in accordance with paragraph C1, and

   e. The reasons why those results are not satisfactory.

3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.

4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the



appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.

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

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

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

   a. The original complaint,

   b. The response to the complaint,

   c. The Superintendent's decision,

   d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and

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

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

9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.

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

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

    a. Commissioner of Education
    New Jersey State Department of Education
    P.O. Box 500
    Trenton, New Jersey 08625-0500
    Telephone: (877) 900-6960 or the

    b. New Jersey Division on Civil Rights
    Trenton Regional Office
    Office of the Attorney General
    140 East Front Street – 6th Floor
    Trenton, New Jersey 08625-0090
    Telephone: (609) 292-4605

D. Record

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

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

R 1552 SEXUAL HARASSMENT – STAFF

The Board of Education will not tolerate sexual harassment of employees by other school employees or third parties. The employer shall investigate and resolve allegations of sexual harassment pursuant to Title VII of the Civil Rights Act of 1964 (29 CFR 1604); Title IX of the of the Education Amendments of 1972 (34 CFR 106); Policy 1552; and this Regulation.

A. Title VII of the Civil Rights Act of 1964 – 29 CFR 1604

1. Sexual Harassment – 29 CFR 1604.11

a. Definition of Sexual Harassment – Title VII

(1) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

b. With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

c. The employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

d. The employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.

(1) The employee may submit a complaint, under 29 CFR 1604 to the Affirmative Action Officer.

(2) Upon receipt of the complaint the employer shall initiate the grievance procedure in accordance with Regulation 1552.

e. Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other individuals who were qualified for but denied that employment opportunity or benefit.

2. Grievance Procedure for Title VII Complaints

The following grievance procedure shall be used for an allegation(s) of sexual harassment:

a. Reporting of Sexual Harassment Conduct

(1) Any individual with any information regarding actual and/or potential sexual harassment of an employee must report the information to the Principal, their immediate supervisor, the Title IX Coordinator, or the Affirmative Action Officer. The employer's Title IX Coordinator and the Affirmative Action Officer may be the same individual.

(2) The employer can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or a telephone call.

(3) The report may be made: in person; in writing; verbally by telephone; by mail to the office address; or by electronic mail. The report may be reported during business or non-business hours.



(4) A report to the Principal or an immediate supervisor will be forwarded to the Superintendent or designee and Affirmative Action Officer within one working day, even if the Principal or immediate supervisor feels sexual harassment conduct was not present.

(5) In the event the report alleges conduct by the Principal or the Affirmative Action Officer, the report shall be submitted to the Superintendent who will designate a school official to assume the Principal's or Affirmative Action Officer's responsibilities.

b. Affirmative Action Officer's Investigation

(1) Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed, and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

(2) When an employee provides information about possible sexual harassment, the Affirmative Action Officer will initially discuss what actions the employee seeks in response to the sexual harassment.

(3) The investigation may include, but is not limited to, interviews with all individuals with potential knowledge of the alleged conduct, interviews with any employee(s) who may have been sexually harassed in the past by the employee, and any other reasonable methods to determine if sexual harassment conduct existed.

(4) The Affirmative Action Officer may request an employee involved in the investigation to assist in the investigation.

(5) The Affirmative Action Officer will provide a copy of Policy 1552 and this Regulation to all individuals who are

interviewed with potential knowledge, upon request, and to any other individual the Affirmative Action Officer feels would be served by a copy of such documents.

(6) Any individual interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

(7) The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if the conduct could potentially be criminal in nature.

(8) The employer may take interim measures during an investigation of a complaint.

(9) The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.

c. Investigation Results

(1) Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the individual(s) providing notice to the employer and the employee(s) who was alleged to be sexually harassed.

(2) The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

(3) If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.

(4) If the Affirmative Action Officer determines that sexual harassment has occurred, the employer shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series



of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

(5) In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The employer may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the employee that was sexually harassed, dissemination of information, distribution of new policy statements or other steps to communicate the message that the employer does not tolerate sexual harassment and will be responsive to any employee that reports such conduct.

(6) In some situations, the employer may need to provide other services to the employee that was sexually harassed, if necessary, to address the effects of the sexual harassment on that employee. Depending on the type of sexual harassment found, these additional services may include an independent reassessment of the work performance of the employee that was sexually harassed, counseling, and/or other measures that are appropriate to the situation.

(7) The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the employee who made the complaint, was the subject of the sexual harassment, or against those who provided the information or were witnesses.

(a) The Affirmative Action Officer will inform the employee that was sexually harassed to report any subsequent problems and will make follow-up inquiries to see if there have been any new incidents or retaliation.

(8) All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.



d. Affirmative Action Officer's Investigation Appeal Process

(1) Any individual found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any individual who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent.

(a) The Superintendent will make their determination within ten working days of receiving the appeal.

(2) Any individual who is not satisfied with the Superintendent's determination may appeal in writing to the Board.

(a) The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

3. United States Equal Employment Opportunity Commission (EEOC) Case Resolution

Individuals not satisfied with the resolution of a Title VII allegation of sexual harassment by the employer may request the EEOC to investigate the allegations.

a. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the employer to the EEOC.

b. Any individual may report an allegation of sexual harassment to the EEOC at any time. If the EEOC is asked to investigate or otherwise resolve incidents of sexual harassment of employees, the EEOC will consider whether:

(1) The employer has a policy prohibiting sexual harassment and a grievance procedure;

(2) The employer has appropriately investigated or otherwise responded to allegations of sexual harassment; and



(3) The employer has taken immediate and appropriate corrective action responsive to quid pro quo or hostile environment sexual harassment.

B. Title IX of the of the Education Amendments of 1972 – 34 CFR 106

1. Definitions – 34 CFR 106.30

a. For the purpose of Section B. of this Regulation and in accordance with 34 CFR 106:

(1) "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

(a) An employee of the employer conditioning the provision of an aid, benefit, or service of the employer on an employee's participation in unwelcome sexual conduct;

(b) Unwelcome conduct determined by a reasonable individual to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the employer's education program or activity; or

(c) "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8), or "stalking" as defined in 34 USC 12291(a)(30).

(2) "Complainant" means an employee currently employed by the employer who is alleged to be the victim of conduct that could constitute sexual harassment.

(3) "Decision-maker" (34 CFR 106.45(b)(7)) means an employee(s) who is not the Title IX Coordinator or the employee who conducted the investigation, designated by the Superintendent, to objectively evaluate the relative evidence and reach conclusions about whether the respondent is

responsible for the alleged sexual harassment in accordance with the provisions of 34 CFR 106.

(4) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the employer investigate the allegation of sexual harassment. The phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the employer) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the individual filing the formal complaint.

(5) "Investigator" (34 CFR 106.45(b)(5)) means an employee(s) who may be the Title IX Coordinator and who is not a decision-maker designated by the Superintendent to investigate alleged sexual harassment in accordance with 34 CFR 106. The investigator may be the employer's Affirmative Action Officer only if the Affirmative Action Officer is not the Title IX decision-maker.

(6) "Program or activity" and "program" (34 CFR 106.2(h)(2)(ii)) means all of the operations of a local educational agency (as defined in 20 USC 8801), system of vocational education, or other school system.

(a) "Education program or activity" (34 CFR 106.44(a)) includes locations, events, or circumstances over which the employer exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

(7) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

(8) "Title IX Coordinator" (34 CFR 106.8(a)) means an individual designated and approved by the employer to coordinate its efforts to comply with its responsibilities under 34 CFR 106, Policy 1552, and this Regulation. The individual must be



referred to as the "Title IX Coordinator" and may also be the investigator but cannot be the decision-maker.

2. Employer's Response to Sexual Harassment – 34 CFR 106.44

a. The employer with actual knowledge of sexual harassment in an education program or activity of the employer against an individual in the United States, must respond promptly in a manner that is not deliberately indifferent.

(1) The employer has "actual knowledge" when an employee receives a complaint of sexual harassment or an employee is aware of behavior that could constitute sexual harassment.

(a) Any school employee who receives a complaint of sexual harassment or is aware of behavior that could constitute sexual harassment is required to report that information to the Title IX Coordinator.

(2) The employer is deliberately indifferent only if the employer's response to sexual harassment is clearly unreasonable in light of the known circumstances, pursuant to 34 CFR 106.44(a).

The United States Department of Education Office of Civil Rights may not deem the employer to have satisfied the employer's duty to not be deliberately indifferent under 34 CFR 106 based on the employer's restriction of rights protected under the United States Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

b. Informal Resolution – 34 CFR 106.45

(1) The employer may not require as a condition of employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. Similarly, the employer may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the employer may facilitate an



informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the employer:

(a) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided; however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

(b) Obtains the parties' voluntary, written consent to the informal resolution process.

3. Grievance Process - 34 CFR 106.45

a. The employer will use the grievance process outlined in 34 CFR §106.45 and this Regulation to address formal complaints of sexual harassment.

b. Parents, students, unions and associations, and staff members shall receive notice of the grievance procedures and the Title IX Coordinator's name or title, office, address, email address, and telephone number in accordance with 34 CFR 106.8(a).

c. The employer's grievance process may, but need not, provide for a hearing pursuant to 34 CFR 106.45(b)(6)(ii).

d. The Title IX Coordinator must promptly contact the complainant in accordance with 34 CFR 106.44(a).

e. In response to a formal complaint, the employer will follow a grievance process that complies with 34 CFR 106.45.

(1) Upon receipt of a formal complaint, the Title IX Coordinator shall provide written notice to the parties who are known in accordance with 34 CFR 106.45(b)(2)(i).

(2) The Title IX Coordinator shall provide the investigator with a copy of the formal complaint if the Title IX Coordinator is not the investigator.

(3) The investigator shall investigate the allegations contained in a formal complaint pursuant to 34 CFR 106.45(b).

f. The investigator shall create an investigative report in accordance with the provisions of 34 CFR 106.45(b)(5)(vii).

(1) The investigator will attempt to collect all relevant information and evidence.

(2) While the investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the investigator so that they may be considered during the investigation.

(3) While all evidence gathered during the investigative process and obtained through the exchange of written questions will be considered, the decision-maker may in their discretion grant lesser weight to last minute information or evidence introduced through the exchange of written questions that was not previously presented for investigation by the investigator.

(4) To the greatest extent possible, and subject to Title IX, the employer will make reasonable accommodations in an investigation to avoid potential re-traumatization of a complainant.

(5) The investigative report shall be provided to the decision-maker in accordance with the provisions of 34 CFR 106.45(b)(6)(ii).

g. The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility pursuant to 34 CFR 106.45(b)(7).



(1) To reach this determination, the decision-maker will apply the preponderance of the evidence standard, which shall be the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment pursuant to 34 CFR 106.45(b)(1)(vii).

(2) The decision-maker will facilitate a written question and answer period between the parties.

(a) Each party may submit their written questions for the other party and witnesses to the decision-maker for review.

(b) The questions must be relevant to the case and the decision-maker will determine if the questions submitted are relevant and will then forward the relevant questions to the other party or witnesses for a response.

(c) The decision-maker shall then review all the responses, determine what is relevant or not relevant, and issue a decision as to whether the respondent is responsible for the alleged sexual harassment.

(d) The decision-maker will issue a written determination following the review of evidence. The written determination will include:

(i) Identification of allegations potentially constituting sexual harassment as defined in Policy and Regulation 1552 and 34 CFR 106.30;

(ii) A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence;

(iii) Findings of fact supporting the determination, conclusions regarding the application of this formal grievance process to the facts; and

(iv) A statement of and rationale for the result as to each allegation, including any determination regarding responsibility, any disciplinary sanctions the decision-maker imposed on the respondent that directly relate to the complainant, and whether remedies designed to restore or preserve equal access to the employer's education program or activity will be provided to the complainant; and procedures and permissible bases for the parties to appeal the determination.

(e) The written determination will be provided to the parties simultaneously.

(f) Notwithstanding a temporary delay of the grievance procedure or the limited extension of the grievance procedure time frames with good cause, the written determination shall be provided within sixty calendar days from receipt of the complaint.

(i) The sixty calendar day time frame does not include the appeal process.

4. Appeals – 34 CFR 106.45(b)(8)

a. The employer will offer both parties an appeal from a determination regarding responsibility, and from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein in accordance with 34 CFR 106.45(b)(8)(i).

b. As to all appeals, the employer will comply with the requirements of 34 CFR 106.45(b)(8).

c. The Superintendent shall designate an appeal officer for each appeal filed.

(1) The appeal officer shall not be the same individual as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator in accordance with 34 CFR 106.45(b)(8)(iii)(B).

(2) Ensure that the appeal officer complies with the standards set forth in 34 CFR 106.45(b)(1)(iii).

d. The employer shall give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

e. The employer shall administer the appeal process, but is not a party and will not advocate for or against any appeal.

f. A party may appeal only on the following grounds and the appeal shall identify the reason(s) why the party is appealing:

(1) There was a procedural error in the hearing process that materially affected the outcome;

(a) Procedural error refers to alleged deviations from employer policy, and not challenges to policies or procedures themselves;

(2) There is new evidence that was not reasonably available at the time of the hearing and that could have affected the outcome;

(3) The decision-maker had a conflict of interest or bias that affected the outcome;

(4) The determination regarding the policy violation was unreasonable based on the evidence before the decision-maker:



(a) Appealing on this basis is available only to a party who participated in the hearing; and

(5) The sanctions were disproportionate to the hearing officer's findings.

(6) The employer may offer an appeal equally to both parties on additional bases.

g. The appeal must be submitted in writing to the Title IX Coordinator within ten calendar days following the issuance of the notice of determination.

h. The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal.

i. The Title IX Coordinator shall notify the other party of the appeal, and that other party shall have an opportunity to submit a written statement in response to the appeal, within ten calendar days.

j. The Title IX Coordinator shall inform the parties that they have an opportunity to meet with the appeal officer separately to discuss the proportionality of the sanction.

k. The appeal officer shall decide the appeal considering the evidence presented at the hearing, the investigation file, and the appeal statements of both parties.

l. In disproportionate sanction appeals, input the parties provided during the meeting may also be considered.

m. The appeal officer shall summarize their decision in a written report that will be sent to the complainant and respondent within twenty calendar days of receiving the appeal.

5. Supportive Measures – 34 CFR 106.30

a. "Supportive measures" mean non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the

respondent before or after the filing of a formal complaint or where no formal complaint has been filed pursuant to 34 CFR 106.30(a).

b. The employer's response must treat complainants and respondents equitably by offering supportive measures as defined in 34 CFR 106.30 to a complainant, and by following a grievance process that complies with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in 34 CFR 106.30, against a respondent.

c. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in 34 CFR 106.30, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

(1) Supportive measures shall be available to the complainant, respondent, and as appropriate, witnesses or other impacted individuals.

d. The Title IX Coordinator shall maintain consistent contact with the parties to ensure that safety, emotional well-being and physical well-being are being addressed.

e. Generally, supportive measures are meant to be short-term in nature and will be re-evaluated on a periodic basis.

(1) To the extent there is a continuing need for supportive measures after the conclusion of the resolution process, the Title IX Coordinator will work with appropriate employer resources to provide continued assistance to the parties.

f. The employer is required to offer supportive measures to the complainant even if the respondent ceased being employed by the employer prior to the filing of a formal complaint.

(1) If the respondent ceases to be employed by the employer after a formal complaint is filed, the employer may dismiss the complaint, but must still offer supportive measures to the complainant pursuant to 34 CFR 106.45(b)(3)(ii).



6. Remedies - 34 CFR 106.45

   a. The Title IX Coordinator shall be responsible for effective implementation of any remedies in accordance with 34 CFR 106.45(b)(7)(iv).

   b. Following receipt of the written determination from the decision-maker, the Title IX Coordinator will facilitate the imposition of sanctions, if any, the provision of remedies, if any, and to otherwise complete the formal resolution process.

      (1) Emergency Removal

      Nothing in 34 CFR 106 precludes the employer from removing a respondent from the employer's education program or activity on an emergency basis, provided that the employer undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

      (2) Administrative Leave

      Nothing in 34 CFR 106 Subpart D precludes the employer from placing an employee on administrative leave during the pendency of a grievance process that complies with 34 CFR 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

   c. The Superintendent or designee, after consultation with the Title IX Coordinator, will determine the sanctions imposed and remedies provided, if any.

(1) The imposition of sanctions or provisions of remedies will be revisited by the Title IX Coordinator following the appeal officer's decision, as appropriate.

d. The Title IX Coordinator must provide written notice to the parties simultaneously.

e. The employer must disclose to the complainant the sanctions imposed on the respondent that directly relate to the complainant when such disclosure is necessary to ensure equal access to the employer's education program or activity.

(1) Remedies and supportive measures that do not impact the respondent should not be disclosed in the written determination; rather the determination should simply state that remedies will be provided to the complainant.

f. It is important to note that conduct that does not meet the criteria under Title IX may violate other Federal or State laws or employer policies regarding employee misconduct or may be inappropriate and require an immediate response in the form of supportive measures and remedies to prevent its recurrence and address its effects.

7. Recordkeeping – 34 CFR 106.45(b)(10)

a. The employer must maintain for a period of seven years records of:

(1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under 34 CFR 106.45(b)(6)(i), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the employer's education program or activity;

(2) Any appeal and the result therefrom;

(3) Any informal resolution and the result therefrom; and

(4) All materials used to train Title IX Coordinators, investigators, decision-makers, and any individual who



facilitates an informal resolution process. The employer must make these training materials publicly available on its website, or if the employer does not maintain a website the employer must make these materials available upon request for inspection by members of the public.

b. For each response required under 34 CFR 106.44, the employer must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the employer must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the employer's education program or activity. If the employer does not provide a complainant with supportive measures, then the employer must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the employer in the future from providing additional explanations or detailing additional measures taken.

8. Compliance

The Superintendent or designee shall consult with the Board Attorney to ensure the employer's response to any allegations of sexual harassment and the employer's grievance process are in accordance with 34 CFR 106.44 and 34 CFR 106.45.

9. Training

a. The Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, appeal officers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45(b)(1)(iii).

(1) The employer must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in 34 CFR 106.45(b)(6).

(2) The employer also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in 34 CFR 106.45 (b)(5)(vii). Any materials used to train Title IX Coordinators, investigators, decision-makers, and any individual who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Adopted: 25 February 2026



R 1570 INTERNAL CONTROLS

A. Segregation of Duties; Organization Structure - N.J.A.C. 6A:23A-6.5

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

2. The School Business Administrator/Board Secretary shall identify processes that are a violation of sound segregation of duties when performed by the same individuals. The School Business Administrator/Board Secretary shall segregate the duties of all such processes among Business Office staff based on available district resources, assessed vulnerability, and the associated cost-benefit, except as required at N.J.A.C. 6A:23A-6.5(b)1. and 2. and A.2.a. and A.2.b. below.

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

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

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

B. Standard Operating Procedures (SOP) for Business Functions – N.J.A.C. 6A:23A-6.6

1. The school district shall establish SOPs for each task or function of the business operations of the district.

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

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

   b. Cash management;

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

d. Position control;

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

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

g. Security;

h. Emergency preparedness;

i. Risk management;

j. Transportation;

k. Food service;

l. Technology systems; and

m. Information management.

3. The district shall establish SOPs that ensure office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.

C. Financial and Human Resource Management Systems; Access Controls - N.J.A.C. 6A:23A-6.7

1. If the school district has a budget in excess of $25,000,000 or more than three hundred employees, the district shall maintain an Enterprise Resource Planning (ERP) System that integrates all data and processes of the school district into a unified system. An ERP system uses multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration.

2. Whenever considering financial systems or the automation of other services or functions, the Superintendent or School Business Administrator/Board

Secretary shall notify the Executive County Superintendent in writing to see if opportunities for a shared service system exist.

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

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

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

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

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

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

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

D. Personnel Tracking and Accounting – N.J.A.C. 6A:23A-6.8

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

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

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

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

(1) The employee's name;

(2) The employee's date of hire;

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

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

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

(c) The certificate(s) and endorsement(s) held, as applicable;

(d) The assignment position title as follows:

i. Superintendent or Chief School Administrator;

ii. Assistant Superintendent;

iii. School Business Administrator;

iv. Board Secretary (when other than N.J.A.C. 6A:23A-6.8(a)3.iii.(4)(A), (B), or (C) and D.1.c.(3)(d)i., D.1.c.(3)(d)ii., or D.1.c.(3)(d)iii. above);

v. Principal;

vi. Vice Principal;

vii. Director;

viii. Supervisor;

ix. Facilitator;

x. Instructional Coach by Subject Area;

xi. Department Chairperson by Subject Area;

xii. Certificated Administrator – Other;

xiii. Guidance;

xiv. Media Specialist/Librarian;

xv. School Nurse;

xvi. Social Worker;

xvii. Psychologist;

xviii. Therapist – Occupational (OT);

xix. Therapist – Physical (PT);

xx. Therapist – Speech;

xxi. Certificated Support Staff – Other;

xxii. Teacher by Subject Area;

xxiii. Instructional Assistants;

xxiv. Certificated Instructional – Other;

xxv. Aides supported by IEP;

xxvi. Other Aides;

xxvii. Maintenance Worker;

xxviii. Custodian;

xxix. Bus Driver;

xxx. Vehicle Mechanic;

xxxi. Food Service; and

xxxii. Other Non-certificated;

(4) A control number for substitute teachers;

(5) A control number for overtime;

(6) A control number for extra pay;

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

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

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

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

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

(12) The date the position was filled; and

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

Adopted: 17 September 2025

R 1642.01 SICK LEAVE

A. Definitions – N.J.S.A. 18A:30-1.c. and 18A:30-4.i.

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

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

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

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

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

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

7. "Supervisor" means the building or district administrative staff member designated by the Superintendent who is responsible for supervising the employee.

B. Eligibility for Sick Leave – N.J.S.A. 18A:30-1

1. Sick leave is defined as the absence from an employee's post of duty, for any of the following reasons:

a. The employee is personally ill or injured;

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

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

d. Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member:

(1) Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;

(2) Services from a designated domestic violence agency or other victim services organization;

(3) Psychological or other counseling;

(4) Relocation; or

(5) Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

e. The death of a family member for up to seven days;

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

g. The school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency; or

h. The employee has been exposed to a contagious disease or is quarantined for the disease in the employee's immediate household.

2. N.J.S.A. 18A:30-1, Policy 1642.01, and this Regulation shall not supersede any law providing collective bargaining rights for school district employes and shall not reduce, diminish, or adversely affect an employee's collective bargaining rights.

C. Physician's Certificate Required for Sick Leave – N.J.S.A. 18A:30-4

1. In case of sick leave claimed due to personal illness or injury, the Board of Education may require a physician's certificate to be filed with the Secretary of the Board in order to obtain sick leave.

2. If an employee's need to use sick leave as defined pursuant to N.J.S.A. 18A:30-1 and B. above is foreseeable, the Board may require advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use the leave and its expected duration, and the employee shall make a reasonable effort to schedule the use of sick leave in a manner that does not unduly disrupt the operations of the Board.

3. If the reason for the leave is not foreseeable, the Board of Education may require an employee to give notice of the intention as soon as practicable, provided the Board of Education has notified the employee of this requirement.

4. The Board may prohibit an employee from using foreseeable sick leave on certain dates, and require reasonable documentation if sick leave that is not foreseeable is used during those dates.

5. In case of sick leave claimed for three or more consecutive days, the Board may require reasonable documentation that the leave is being taken for a purpose permitted pursuant to N.J.S.A. 18A:30-1.a. and B.1. above.

6. If the leave is permitted under N.J.S.A. 18A:30-1.a.(2) or (3) and B.1.b. or c. above, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, the number of days of leave, shall be considered reasonable documentation.

7. If the leave is permitted under N.J.S.A. 18A:30-1.a.(4) and B.1.d. above because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence:

   a. Medical documentation;

   b. A law enforcement agency record or report;

   c. A court order;

   d. Documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense;

   e. Certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or

   f. Other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.

8. If the leave is permitted under N.J.S.A. 18A:30-1.a.(7) and B.1.g. above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.

D. Sick Leave Charges

1. An employee who is absent for 50% percent of their work day shall be charged a full sick day if the employee's reason for absence is covered by N.J.S.A. 18A:30-1.

2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Superintendent or designee.

3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.

4. An employee scheduled for a sick leave absence on a day on which the schools do not open because of an emergency will not be charged with a sick leave day.

E. Readmission After Disability

1. An employee absent on sick leave, covered under N.J.S.A. 18A:30-1.a.(1); (2); and (8) and B.1.a.; b.; and h., for more than five consecutive working days who wishes to return to work shall submit the signed statement of their physician or institution indicating the employee's fitness to perform their duties.

2. The Board may, at its discretion, require the employee submit to an examination by a physician or institution designated by the Board to confirm the information submitted by the employee's physician or institution.

   a. The Board shall bear the cost of the examination if the examination is performed by a physician or institution designated by the Board.

3. If the results of the examination conducted pursuant to paragraph E.2. above are inconsistent with the statement of the employee's physician in E.1. above, the employee and the Board shall agree to a third physician or institution to conduct the examination. The Board shall bear the cost of this third examination.

F. Accumulation of Sick Leave

1. If any employee requires in any school year less than the specified number of days of sick leave with pay allowed, all days of such minimum sick leave not utilized that year shall be accumulative to be used for additional sick leave as needed in subsequent years in accordance with N.J.S.A. 18A:30-3.

G. Exhaustion of Sick Leave

1. The Superintendent or designee shall monitor employee accumulated sick leave and charge an employee's accumulated sick leave.

    a. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's accumulated sick leave.

H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's use and accumulation of sick leave days.

    a. The Superintendent or designee will maintain the employees record of accumulated sick leave in accordance with Policy 1642.01 and this Regulation.

2. Each employee's attendance record will record the reason for any absence.

Issued:



R 2000 PROGRAM

Number	Title
R 2200	Curriculum Content (M)
R 2330	Homework
R 2340	Field Trips
R 2260	Affirmative Action Program for School and Classroom Practices Complaint Procedure (M)
R 2361	Acceptable Use of Computer Network/Computers and Resources
R 2411	Guidance and Counseling (M)
R 2412	Home Instruction Due to Health Condition
R 2417	Pupil Intervention and Referral Services
R 2419	School Threat Assessment Teams
R 2423	Bilingual and ESL Education (M)
R 2425	Emergency Virtual or Remote Instruction Program
R 2431.4	Prevention and Treatment of Sports-Related Concussions and Head Injuries
R 2460	Special Education (M)
R 2460.15	Special Education – In-Service Training Needs for Professional and Paraprofessional Staff (M)
R2460.16	Special Education - Instructional Material to Blind or Print-Disabled Pupils
R2460.30	Additional/Compensatory Special Education and Related Services
R 2464	Gifted and Talented Pupils (M)
R 2481	Home or Out-of-School Instruction for General Education Pupils
R 2510	Adoption of Textbooks
R 2520	Instructional Supplies
R 2530	Resource Materials
R 2531	Use of Copyrighted Materials
R 2535	Library Material
R 2560	Live Animals in School
R 2622	Student Assessment
R 2624	Grading System

R 2200 CURRICULUM CONTENT

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

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

Issued: 20 March 2024

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

A. Purpose and Application

1. The purpose of this procedure is to give any student or the parent(s) of a student the opportunity to appeal an alleged violation of the district's Affirmation Action Plan for school and classroom practices, as set forth in Policy 2260.

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

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

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

B. Definitions

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

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

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

4. "Complainant" means a student or parent(s) who believes that they have been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan.

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

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

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

8. "School district" means this school district.

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

C. Procedure

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

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

3. The complaint shall include:

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

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

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

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

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

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

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

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

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

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

   a. The original complaint;

   b. The response to the complaint;

   c. The Superintendent's decision;

   d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and

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

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

10. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.

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

12. The complainant will be informed of their right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

D. Record

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

2. A copy of the decision rendered at the highest level finding a violation of the Affirmative Action Plan has occurred shall be kept in the personnel file of the employee found to have committed a violation of the Affirmative Action Plan.

Issued: 20 March 2024

R 2330 HOMEWORK

Homework Guidelines

The teachers and administration of the Essex Fells School District believe that homework is one bridge that connects parents, children, and their teachers. The overarching goal of homework is to enhance school-based education experiences and promote pupil growth. Homework is assigned in accordance with the needs and abilities of individual pupils and in support of specific curricular areas. Homework reinforces and strengthens the home/school connection while reinforcing the skills and concepts learned at school. Through homework, parents learn about the curriculum and can talk to their children in a meaningful way about what they are learning. Homework also teaches children responsibility and good work habits. Homework is designed to be an age-appropriate, successful experience.

Our school district strongly promotes the love of books and reading at home. Parental support is key to the success of our reading program. To continue to build a community of learners, it is critical that children spend time reading. Independent reading provides children an opportunity to apply reading strategies independently and sustain reading behavior. It challenges our children to solve words on their own while reading age appropriate texts. Independent reading promotes fluency and builds confidence. It also strengthens children's vocabulary and writing skills.

Essex Fells teachers assign homework on a regular basis and expect all pupils to complete assigned work in a timely manner. Parent excusals will not be accepted for missing assignments unless under extenuating circumstances.

Below are general guidelines and time minimums that teachers and parents should follow when assigning homework and reading with their child.

Grade Level	Homework	Reading
Pre-Kindergarten	10 Minutes	(Pre-reading activities)
Kindergarten	10 Minutes	10 Minutes
Grade One	15 Minutes	15 Minutes
Grade Two	20 Minutes	20 Minutes
Grade Three	30-40 Minutes	20 Minutes
Grade Four	45 Minutes	30 Minutes
Grade Five	60 Minutes	30 Minutes
Grade Six	60-75 Minutes	30 Minutes

* For reading, each teacher will provide an appropriate form of accountability to aid the child in his/her reading experiences.

Homework Roles and Responsibilities

1. Administrators will:

   a. Implement the provisions of the homework policy guidelines as appropriate to the school and ensure that the school's policy is published and distributed to all pupils and parents.

   b. Plan for the periodic evaluation of homework policies and guidelines.

2. Teachers will:

   a. Identify the degree to which homework affects the determination of a pupil's grade.

   b. Provide clear, concise directions for homework assignments.

   c. Check homework for completeness and mastery of concepts as appropriate to the nature of the assignment.

   d. Assess, review, and return homework in a timely manner.

   e. Periodically discuss with pupils and their parents/guardians the pupil's academic progress, including performance on homework assignments.

   f. Clearly post homework assignments in each room.

   g. Notify a parent/guardian if a pupil fails to complete four homework assignments over the span of a marking period.

3. Parents/Guardians will:

   a. Set a regular time for homework, one that works for the child and family.

   b. Act as a facilitator of homework.

   c. Select a fairly quiet study area with lots of light and adequate academic supplies.

d. Remove household distractions (e.g., television, phone calls, etc.)

e. Review and discuss teacher comments on the homework with your child.

f. Communicate with the teacher when your child consistently experiences difficulty with homework assignments.

g. Encourage children in doubt about an assignment to seek help from and to ask questions of their teacher.

h. Encourage and support children's efforts, being available to answer questions, but insisting that children assume personal responsibility for their homework assignments.

4. Pupils will:

a. Take increasing responsibility for regularly completing and returning homework assignments.

b. Accurately record all homework assignments in an assignment pad.

c. Clearly label work with their name, date, and teacher when age appropriate.

d. Neatly complete assignments.

e. Before leaving class, clarify any doubts about an assignment, when it is due, and how it should be completed.

f. Take home the appropriate materials needed to fully complete the homework assignment.

g. Learn to budget time, especially toward the completion of long-term assignments.

h. Return all work to the teacher by the date requested.

i. Make up work missed during an illness or excused absence in a timely manner.

Homework Procedures During Absence

Work will be compiled while a student is out of school due to illness or excused absence. They will be given the same number of days they missed to make up their work when they return to class.

Students out for illness will be given ample time for the reteaching of missed concepts.

Active classroom instruction cannot be replicated in instances such as literary discussion, experiments, special events, etc.

If graded assignments cannot be made-up, the student will have a reduced numbers of grades contributed towards the average.

Students absent from school for non-illness related absences such as vacations are responsible for all missed content.

Issued: 19 April 2023

R 2340 FIELD TRIPS

Field trips are an important part of the educational program and enrich the learning experiences for children. Field trips should be an extension of the school curriculum.

The following guidelines shall be followed:

1. All teachers must complete a Field Trip Request Form and have the trip approved prior to sending any information to parents.

2. Field trips will not be approved retroactively.

3. The field trip sponsor is responsible for arranging the bus and communication with the bus company. The field trip sponsor is responsible for prearranging for the financial payment of the bus company through the Business office. If a check is required for the field trip, the Business office must be provided enough advance notice of the need. Checks will not be issued the day of a trip.

4. Teachers of each grade level may plan at least two trips per year. Careful planning is necessary to make the trip a valuable learning experience. After the trip has been approved, submit the date, destination, hour of leaving, time of return and number of persons to the Superintendent's secretary.

5. Permission slips and the collection of money for the trip are the responsibility of the teacher. Extra copies of permission slips should remain in the classroom with the teacher and not sent to the Main office. It is also a good idea to post the permission slip and information about the trip on the school webpage. When possible, permission slips should be posted on the teacher's website.

6. When money is collected, it must be turned over to the School Business Administrator/Board Secretary within forty-eight hours of receipt, and the School Business Administrator/Board Secretary will issue the necessary checks. (Money cannot be let in the classroom at any time.)

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R 2361 ACCEPTABLE USE OF COMPUTER NETWORK/COMPUTERS AND RESOURCES

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The "system administrators" referred to herein as employees of the school district who administer the school district computer network/computers and the system administrators reserve the right to monitor all activity on network/computer facilities/computers.

Because of the complex association between so many government agencies and computer networks/computers, the end user of these computer networks/computers must adhere to strict regulations. Regulations are provided here so that staff, community, and pupil users and the parent(s) or legal guardian(s) of pupils are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network and elsewhere. The signatures of the pupil and his/her parent(s) or legal guardian(s) on the district-approved consent and waiver agreement are legally binding and indicate that the parties have read the terms and conditions carefully, understand their significance, and agree to abide by the rules established under Policy and Regulation No. 2361.

Pupils are responsible for good behavior on computer networks/computers just as they are in a classroom or a school hallway. Communications on the computer network/computers are often public in nature. Policies and Regulations governing behavior and communications apply. The school district's networks, Internet access and computers are provided for pupils to conduct research and communicate with others. Access to computer network services/computers is given to pupils who agree to act in a considerate and responsible manner. Parent permission is required. Access is a privilege--not a right. Access entails responsibility. Individual users of the district computer network/computers are responsible for their behavior and communications over the computer network/computers. It is presumed that users will comply with district standards and will honor the agreements they have signed. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network/computers who violate the policies and regulations of the Board.

Computer network/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private.

Within reason, freedom of speech and access to information will be honored. During school, teachers of younger pupils will guide them toward appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as television, telephones, movies, radio and other potentially offensive media. As outlined in Board policy and procedures on pupil rights and responsibilities, copies of these are available in school offices. Behavior including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;

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

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

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

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

6. Harassing, insulting or attacking others;

7. Damaging computers, computer systems or computer network/computers;

8. Violating copyright laws;

9. Using another's password;

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

11. Intentionally wasting limited resources;

12. Employing the network/computers for commercial purposes; and/or

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



Internet Safety

Compliance with Children's Internet Protection Act

The school district has technology protection measures for all computers in the school district, including computers in media centers/libraries, that block and/or filter visual depictions that are obscene, child pornography and harmful to minors as defined in 2, 3, and 4 above and in the Children's Internet Protection Act. The school district will certify the school, including media centers/libraries are in compliance with the Children's Internet Protection Act and the district enforces Policy 2361.

Compliance with Neighborhood Children's Internet Protection Act

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

1. Access by minors to inappropriate matter on the Internet and World Wide Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including "hacking" and other unlawful activities by minors online;
4. Unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and
5. Measures designed to restrict minors access to materials harmful to minors.

Notwithstanding the visual depictions defined in the Children's Internet Protection Act and as defined in 2, 3, and 4 above, the Board shall determine Internet material that is inappropriate for minors. The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly board meeting or during a designated special board meeting to address and receive public community input on the Internet safety policy - Policy and Regulation 2361.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which, without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any business or solicit the performance of any activity, which is prohibited by law.

Because the school district provides, through connection to the Internet, access to other computer systems around the world, pupils and their parent(s) or legal guardian(s) understand that the Board and system administrators have no control over content. While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Pupils and their parent(s) or legal guardian(s) are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Parent(s) or legal guardian(s) having accounts on the system should be aware of the existence of such materials and monitor home usage of the school district computer network. Pupils knowingly bringing such materials into the school environment will be disciplined in accordance with Board policies and regulations and such activities may result in termination of such pupil's accounts on the computer network and their independent use of computers.

On-line Conduct

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

Users and their parent(s) or legal guardian(s) specifically agree to indemnify the Essex Fells School District and the system administrators for any losses, costs, or damages, including reasonable attorney's fees incurred by the Board relating to, or arising out of any breach of this section by the user.

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

Software Libraries on the Network

Software libraries on the network are provided to pupils as an educational resource. No pupil may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network. The system administrators, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat).

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network must have an educational purpose and are subject to review. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of fifteen days. A canceled account will not retain its E-mail. Members are expected to remove old messages within fifteen days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer networks or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network, the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words, which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

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

Printing

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

Internet Sites and the World Wide Web

The system administrator may establish an Internet site(s) on the World Wide Web or other Internet locations. Such sites shall be administered and supervised by the system administrator, who shall ensure that the content of the site complies with federal, state and local laws and regulations as well as Board policies and regulations.

Violations

Violations of the Acceptable Use of Computer Network/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation Nos. 2361, Acceptable Use of Computer Network/Computers and Resources, No. 5600, Pupil Discipline, No. 5610, Suspension and No. 5620, Expulsion as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Technology Coordinator in matters relating to the use of computer networks/computers and by the Principal in matters of school suspension. The Superintendent or designee and the Board shall determine when school expulsion and/or legal action or actions by the authorities are the appropriate course of action.



Individuals violating this policy shall be subject to the consequences as indicated in Regulation No. 2361 and other appropriate discipline, which includes but are not limited to:

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

Decisions of the Technology Coordinator may be appealed in accordance with Policy No. 5710 Pupil Grievances.

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R 2411 GUIDANCE AND COUNSELING

A. Counseling Services

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

2. Counseling services will include:

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

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

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

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

B. Career Awareness and Exploration

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

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

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

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

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

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

C. Consulting Services

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

2. Consulting services will include:

   a. Identification of the needs of pupils,

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

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

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

   e. Encouragement of cooperation among teaching staff members and parent(s) or legal guardian(s) in resolving individual pupil problems and addressing pupil needs,

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

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

D. Evaluation

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

1. Results of surveys of parent(s) or legal guardian(s) and staff evaluations of guidance services;

2. Analysis of the efficacy of outside referrals;

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

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

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R 2412 HOME INSTRUCTION DUE TO HEALTH CONDITION

The Board of Education will provide instructional services to an enrolled pupil whether a general education pupil in Kindergarten through grade six or special education pupil age three to twenty-one, at the pupil's home or another suitable out-of-school setting such as a hospital or rehabilitation program when the pupil is confined to the home or another out-of-school setting due to a temporary or chronic health condition or has a need for treatment which precludes participation in their usual education setting, whether general education or special education.

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

1. The parent(s) or legal guardian(s) shall submit a request to the Principal that includes a written determination from the pupil's physician documenting the projected need for confinement at the pupil's residence or other treatment setting for ten consecutive school days or fifteen cumulative school days or more during the school year.

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

3. The Principal shall notify the parent(s) or legal guardian(s) concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the pupil's physician.

B. Providing Services

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

2. The school district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly or through contract with another district Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency pursuant to N.J.A.C. 6A:14 for the following categories of pupils:

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

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

C. Requirements For Home or Out-of-School Instruction

1. The district shall establish a written plan for the delivery of instruction and maintain a record of delivery of instructional services and pupil progress for each pupil receiving home or out-of-school instruction.

   a. For a pupil without disabilities whose projected confinement will exceed thirty consecutive calendar days, the Principal shall coordinate the development of an Individualized Program Plan (IPP) for the pupil within no more than thirty calendar days from the date on which the school district received the school physician's verification that the period of confinement would likely exceed this thirty consecutive calendar day threshold.

2. The teacher providing instruction shall be appropriately certified for the subject, grade level, and special needs of the pupil pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards.

3. The teacher shall provide one-on-one instruction for no fewer than five hours per week on three separate days of the week and, if the pupil is physically able, no fewer than five hours per week of additional guided learning experiences that may include the use of technology to provide audio and visual connections to the pupil's classroom.

   a. If home instruction is provided to pupils in a small group rather than through one-on-one instruction, the minimum number of hours of instruction per week for the group shall be determined by multiplying the number of pupils in the group by five hours. The hours of instruction shall be provided on no fewer than three separate days during the week.

4. For a pupil with disabilities, the home instruction shall be consistent with the pupil's Individualized Education Plan (IEP) to the extent appropriate and shall meet the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8, Standards and Assessment. When the provision of home instruction will exceed thirty consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the pupil's IEP.

5. For a pupil without disability, the home instruction shall meet the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8, Standards and Assessment, and the district's requirements for promotion at that grade level. When the provision of home instruction will exceed sixty calendar days, the school physician shall refer the pupil to the Child Study Team for evaluation according to the requirements N.J.A.C. 6A:14.

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R 2417 PUPIL INTERVENTION AND REFERRAL SERVICES

A. The Superintendent will establish and implement district-wide procedures for the school building in which general education pupils are served for the planning and delivery of intervention and referral services that are designed to assist pupils who are experiencing difficulties and to assist staff who have difficulties in addressing pupils' learning, behavior, or health needs in accordance with the requirements of N.J.A.C. 6A:16-8.1.

B. The Building Principal will establish an Intervention and Referral Services Team referred to as the I&RS Team. The I&RS Team will be comprised of the following:

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

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

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

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

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

C. Pupil Referral

1. A pupil not known to have a disability who is experiencing difficulty in the classroom may be referred to the I&RS Team by the classroom teacher or by his/her parent(s) or legal guardian(s). The pupil's parent(s) or legal guardian(s) shall be informed of any such referral.

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

2. When it appears that a referred pupil may have a disability, the I&RS Team shall refer the pupil to the CST for evaluation pursuant to Policy No. 2460 for a determination of the pupil's eligibility for special education and/or related services.

3. The I&RS Team shall consult with the pupil's regular classroom teacher, parent(s) or legal guardian(s), and any school employee as appropriate to gather relevant information regarding the pupil's educational status, attendance, classroom behavior, and school conduct.

4. The school nurse shall review the pupil's health records and inform the committee of any condition relevant to the pupil's difficulties. Any information regarding any infection with HIV virus or AIDS may be released only with the written permission of the adult pupil or the pupil's parent(s) or legal guardian(s).

5. As appropriate, the I&RS Team may consult with community-based social and health agencies that provide services to the pupil or the pupil's family.

D. Intervention and Referral Action Plans

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

2. The intervention and referral services action plan shall:

   a. Detail any modifications in the pupil's educational program,

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

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

   d. Document parental notification of the pupil's referral and any change in educational placement or the withholding of parental notification because child abuse was suspected or federal rules mandated confidentiality in an alcohol or drug related matter,

e. The parent(s) or legal guardian(s) shall be actively involved in the development and implementation of any intervention and referral services action plans, and

f. Identify the committee member to monitor and review the pupil's progress.

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

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

E. Records and Reports

1. Records of all requests for assistance, intervention and referral services action plans, and related pupil information shall be maintained in accordance with federal and State laws pursuant to N.J.A.C. 6A:16-8.2(a)9.

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

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

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

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

d. The Principal's report shall be given to the Board of Education and kept on file as a public record.

Issued: 19 October 2011

R 2419 SCHOOL THREAT ASSESSMENT TEAMS

A. Definitions

1. "Aberrant behavior" means behavior atypical for the person or situation and causes concern for the safety or well-being of those involved. Aberrant behavior for an individual involves actions, statements, communications, or responses that are unusual for the person or situation; or actions which could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-being of the person.

2. "Behavioral Threat Assessment and Management (BTAM)" means a proactive approach to identify, assess, and provide appropriate interventions and resources for individuals who display a behavior that elicits concern for the safety of themselves or others. (U.S. Secret Service National Threat Assessment Center.)

3. "Concerning behavior" means an observable behavior that elicits concerns in bystanders regarding the safety of an individual or those around them. Behaviors that may elicit concern can include unusual interests in violent topics, conflicts between classmates, increased anger, increased substance use, or other noteworthy changes in behavior (e.g., depression or withdrawal from social activities). Some concerning behaviors may be defined as prohibited behaviors and should trigger an immediate response. Prohibited behaviors can include threats, weapons violations, and other aggressive or violent behavior. Concerning behavior does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.

4. "Concerning communication" means unusual, bizarre, threatening, or violent communication made by an individual or a group that elicit concerns for the safety or wellbeing of the individual or others. Concerning communication may allude to violent intentions, violence as a means to solve a problem, justifying violent acts, unusual interest in weapons, personal grievances, or other inappropriate interests. Concerning communications may also allude to hopelessness or suicide. Concerning communications may be made in the form of written or oral statements, gestures, or visual/electronic media. Communications may be considered concerning regardless of whether a

direct verbal threat is expressed. Concerning communication does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.

5. "Multidisciplinary Threat Assessment Team" means a team composed of highly trained school personnel with diverse positions, backgrounds, and experience. The team will receive reports about a concerning person and situations, gather additional information, assess the risk posed to the community, and develop intervention and management strategies to mitigate any risk of harm.

6. "Targeted violence" means a premeditated act of violence directed at a specific individual, group, or location regardless of motivation and generally unrelated to other criminal activity.

B. Multidisciplinary Threat Assessment Team

1. Threat Assessment Team Members

a. In accordance with N.J.S.A. 18A:17-43.4, the threat assessment team established by the Board of Education shall be multidisciplinary in membership and, to the extent possible, must include the following individuals:

(1) A Principal or other senior school administrator;

(2) A school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling;

(3) A safe-schools resource officer or school employee who serves as a school liaison to law enforcement;

(4) The school safety specialist (designated pursuant to N.J.S.A. 18A:17-43.3); and

(5) A teaching staff member.

b. Additional school employees may serve as regular members of the threat assessment team or may be consulted during the threat assessment process, as determined to be appropriate by the team. If a student has an Individualized Education Program (IEP), 504 plan, and/or functional behavioral assessment (FBA) plan, the threat assessment team must consult with the appropriate staff or team to determine whether the reported behavior is already part of known baseline behavior or is already being managed under the student's IEP, 504 plan, or FBA plan and addressed in a manner that is required by N.J.A.C. 6A:14 and all other Federal and State special education laws.

c. The district may choose to name the threat assessment team in a manner that suits the school community needs.

2. Threat Assessment Team Structure

a. The district can structure the threat assessment teams to best meet the needs and resources available. This may include:

(1) School-Based Teams: The district may opt to develop teams for each school comprised of those members fulfilling the assigned roles identified in the law in each of its schools.

(2) District-Level Team: The district may choose to develop one central team designated to serve each school in cases where staffing at individual schools is not sufficient to meet the membership requirements of the law. In such cases, the district may choose to operate smaller teams trained in the threat assessment process in each school, which can screen cases to determine which situations to refer to the District-Level Team. If the district uses this model, the district must ensure representation of those staff members from the involved school as identified by the law to the fullest extent possible when conducting an assessment.

(3) District-Level Team and School-Based Teams: The district may have one central team that provides oversight, consistency, and accountability for all threat assessment processes including threats impacting the entire district.

School-Based Teams address cases in each school building,

while ensuring all information is shared with the District Level Team.

C. Building a K-12 Behavioral Threat Assessment and Management Program

The district shall implement the following steps in developing a Behavioral Threat Assessment and Management Program.

1. Step 1: Establish a Multidisciplinary Team

   a. Identify team membership pursuant to N.J.S.A. 18A:17-3.4.

   b. Designate a team leader.

   c. Establish team procedures and protocols.

   d. Meet on a regular basis and as needed.

2. Step 2: Define Prohibited and Concerning Behaviors

   a. Establish policy defining prohibited behaviors

      (1) These definitions should be included in the code of student conduct policy and shared with staff, parents, and students.

   b. Identify other behaviors for screening or intervention.

   c. Define threshold for intervention.

      (1) The threshold should be relatively low so that teams can identify individuals in distress before the behavior escalates into a violent behavior.

3. Step 3: Create a Central Reporting Mechanism

   a. Establish one or more anonymous reporting mechanisms.

      (1) Examples include a mobile application, a dedicated email address or phone number, or on the district website.

   b. Provide training and guidance to encourage reporting.

(1) Students, teachers, staff, school resource officers, and parents should be provided awareness training and guidance on recognizing behaviors of concern, their roles and responsibilities in reporting the behavior, and how to report the information.

c. Ensure availability to respond.

d. Utilize an Initial Report to collect the threat, concerning behavior, etc.

4. Step 4: Define Threshold for Law Enforcement Intervention

a. Most reports can be handled by the School-Based Team.

b. Establish which behaviors should be referred for law enforcement intervention (e.g., physical violence, threats of violence, etc.).

5. Step 5: Establish Threat Assessment Procedures

a. Decide how to document cases.

b. Create procedures to screen reports, gather information, make assessments, and decide on interventions.

c. Develop/adapt threat assessment forms to organize information around the 11 Investigative Questions referenced in D.4. below.

6. Step 6: Develop Risk Management Options

a. Identify all available resources for creating individualized management plans.

(1) The resources and supports the student needs will differ depending on the information gathered during the assessment.

(2) Resources to assist the student could take the form of peer support programs or therapeutic counseling to enhance social learning or emotional competency, life skills classes, tutoring

in specific academic subjects, or mental health care. Most programs and supports will be available within the school, but the team may need to also access community resources to assist with

the managing the student. Identify resources to assist targets/victims.

(3) Make efforts to address the safety of any potential targets by altering or improving security procedures for schools or individuals and providing guidance on how to avoid the concerning person.

b. Establish points of contact for all resources.

7. Step 7: Create and Promote Safe School Climates

a. Assess current school climate.

(1) Anti-Bullying Bill of Rights Act (N.J.S.A. 18A:37-21) requires the school safety team in each school in the district "…to develop, foster, and maintain a positive school climate by focusing on the ongoing, systemic process and practices in the school and to address school climate issues…" and to "review and strengthen school climate and the policies of the school.

b. Enhance current school climate.

c. Strengthen students' connectedness.

(1) Encourage teachers and staff to build positive, trusting relationships with students by actively listening to students and taking an interest in what students say.

d. Break down "codes of silence" and help students feel empowered to come forward and share concerns and problems with a trusted adult.

e. Identify clubs or teams at school students can join or encourage students to start their own special interest group.

8. Step 8: Conduct Training for all Stakeholders

a. The training is for new threat assessment team members, refresher training, and professional development. This includes training on the screening and threat assessment forms and procedures.

b. Training must be coordinated with the New Jersey Department of Education (NJDOE), Office of School Preparedness and Emergency Planning (OSPEP) to ensure that the threat assessment team is able to accurately assess student behavior and to ensure that threat assessment teams do not have a disparate impact on students based on their race, ethnicity, homelessness status, religious belief, gender, gender identity, sexual orientation, or socioeconomic status. This training includes training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias.

c. Awareness training for students, teaching staff members, and all school staff members regarding the recognition of concerning or aberrant behavior in an individual that may represent a threat to the school community.

(1) Requests for awareness training can be coordinated by the district's School Safety Specialists through the OSPEP.

d. Training for parents and other community stakeholders to anonymously report dangerous, violent, or unlawful activity to the district or school.

D. Threat Assessment and Management Process

The district shall implement the following steps in the threat assessment and management process.

1. Step 1: Receive a Report of Concern

a. When the threat assessment team first learns of a new report of a threat or aberrant or concerning behavior, the team (or one member of the team) should collect initial intake information about the behavior, the concerning person (i.e., the person who engaged in the threatening behavior; the person to be assessed), and other information that is readily available.

2. Step 2: Screen the Case

a. Screen for imminency (of the threat or concerning behavior) and whether there is a need for a full threat assessment.

(1) If the threat assessment team believes the report does present an imminent danger or safety concern, immediately notify law enforcement. Once the emergency has been contained, the team should complete a full threat assessment and make all necessary notifications (i.e., anyone that is or may be directly impacted).

b. If the team does not believe the report presents an imminent danger or safety concern, determine if there is a need for full threat assessment. If not, document the initial report and screening.

c. If there is a need for a threat assessment, the team shall proceed with a full threat assessment using the steps outlined in D.3. through 8. below.

d. The district's Title IX Coordinator must be notified immediately if a report involves sexual harassment, sexual assault, dating violence, stalking, or a domestic violence assault, or if engagement in these actions is uncovered when gathering additional information during the threat assessment process. Notifying the district's Title IX Coordinator is completed parallel to the threat assessment process and does not stop a team from moving forward with gathering information and initiating risk management strategies.

3. Step 3: Gather Information from Multiple Sources

a. Gather information about the person displaying the concerning behavior and situation from various sources. These sources can include, but are not limited to, teachers, coaches, parents, and peers.

4. Step 4: Organize and Analyze

a. Organize and analyze information using the 11 Investigative Questions detailed in the U.S. Secret Service and U.S. Department of Education threat assessment guide. The form is comprised of 11

investigative questions adapted from the U.S. Secret Services and U.S. Department of Education Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates and can be found at www.secretservice.gov/nod/2559.

5. Step 5: Make the Assessment

   a. Make an assessment about whether the individual of concern poses a threat of violence or self-harm, or if they are otherwise in need of intervention.

6. Step 6: Develop and Implement a Case Management/Intervention Plan

   a. Develop and implement a case management plan to reduce risk.

   b. As needed, refer individual of concern to the local mental health authority or healthcare provider for evaluation and/or treatment.

   c. As needed, refer individual of concern for a full and individual evaluation (FIE) for special education services.

7. Step 7: Re-Assess (Case Monitoring)

   a. Monitor, re-evaluate, and modify plan as needed to ensure that the identified intervention(s) is effective, and the individual of concern no longer poses a threat of violence or self-harm.

   b. Re-assessing the person of concern, going through the assessment questions again.

   c. If there are still concerns, the team shall continue to monitor, adjust plan, and re-assess as needed until there is no longer a concern of harm to self and/or others, and the individual is on a better path.

8. Step 8: Document and Close the Case

   a. When the team's assessment is that the concerning person no longer poses a threat of violence or self-harm, the team can close the case or place it on the in-active status.

   b. The threat assessment team should be sure to document the case, including scheduling any future dates to check-in or follow-up, as needed.

   c. The documentation should be stored in a confidential file, with only authorized personnel having access.

E. Training

1. Each member of the threat assessment team must attend training in accordance with N.J.S.A. 18A:17-43.4. The district may also choose to provide awareness training to school community members on the threat assessment process. The awareness training is also outlined as part of one of the steps of the Building a K-12 Behavior Threat Assessment and Management Program.

2. Threat assessment team membership:

   a. In accordance with N.J.S.A. 18A:17-43.4, the NJDOE shall provide training through the New Jersey School Safety Specialist Academy. All threat assessment team members must receive training consistent with the training and guidelines provided by the NJDOE. The school safety specialist, is a member of the threat assessment team and will assist in ensuring this training is provided to school staff in coordination with OSPEP.

   b. Each new threat assessment team member must complete training by the OSPEP, which shall include training sessions as instructed by *Ontic/SIGMA as part of the Bureau of Justice Assistance (BJA) STOP School Violence Grant Program*.

   c. The district shall determine membership on the threat assessment team in accordance with N.J.S.A. 18A:17-43.4, including adding and ensuring the training of new members, as needed. The district must ensure all threat assessment team members attend the required initial training and refresher training provided by OSPEP to advance their competency in conducting assessments.

      (1) These trainings will be offered through the OSPEP for both in person and online platforms.

      (2) Refresher training will be developed and facilitated by the OSPEP and will be made available through in-person and online platforms, as necessary.

3. Awareness Training for Other School Community Stakeholders

   a. Request for awareness training for school staff members should be directed to the OSPEP email at school.security@doe.nj.gov, which

will provide training or coordinate sessions with approved instructors from the U.S. Department of Homeland Security National Threat Evaluation and Reporting Office's Certified Master Training Program.

F. Other Considerations

1. Individualized Education Program (IEP) or 504 Plans

a. The district is required by law to meet the needs of students with special needs, who are afforded disciplinary protections not provided to the general education population, to reduce exclusionary practices for special education students. When assessing a student whose behavior may pose a threat to the safety of the school community, in the case of a student with an IEP or 504 plan, the threat assessment team shall consult with the IEP team or 504 team to determine whether the aberrant or concerning behavior is a threat to school safety and is being properly addressed in a manner that is required by N.J.A.C. 6A:14 and all Federal and State special education laws. Working with the IEP team or 504 team, the threat assessment team shall determine if the behavior is part of known baseline behavior, or is already being managed under the student's IEP, 504 plan, or FBA plan. If the behavior is not consistent with baseline behaviors or is not able to be effectively managed through current programming, then a threat assessment would need to be conducted. A special education representative must be part of the team and shall engage throughout the process.

2. Allegations of Harassment, Intimidation, & Bullying (HIB) or Bias-Related Acts

a. Should the threat assessment team become aware of an allegation of HIB when considering or conducting assessments, they must follow Policy 5512 for addressing allegations of HIB in alignment with the Anti-Bullying Bill of Rights Act. Additionally, during the threat assessment process, it is important to recognize that the student may need remedial services (e.g., counseling) to address behavior that may have prompted the need for the threat assessment and to ensure their well-being.

b. Should a threat assessment team become aware of a bias-related act, they should implement Policy and Regulation 8465 on reporting bias-related acts to law enforcement in accordance with the Memorandum of Agreement Between Education and Law Enforcement Officials and Policy and Regulation 9320.

3. Information Sharing

a. The Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) are two Federal laws protecting the privacy of an individual's personal records. FERPA refers specifically to educational records while HIPAA refers to medical records. Questions and concerns about FERPA and/or the HIPAA protections often arise as part of the threat assessment planning process. It is critical that threat assessment teams understand how to balance the safety of the school with the privacy of individual students. These laws should not be an impediment to threat assessment and management.

b. Threat assessment teams should consult with the Board Attorney on these elements as needed.

4. Family Education Rights & Privacy Act (FERPA) – Educational Records

a. FERPA is a Federal law that protects the privacy of student education records. FERPA does, however, authorize school officials to disclose information without consent in emergency situations where the health and/or safety of students is at risk. Relevant information can be released to law enforcement, public health, and medical officials, as well as other schools in the event a student transfers or matriculates. The U.S. Department of Education would not find a school in

violation of FERPA for disclosing FERPA-protected information under the health or safety exception as long as the school had a rational basis, based on the information available at the time, for making its determination that there was an articulable and significant threat to the health or safety of the student or other individuals.

5. Health Insurance Portability and Accountability Act (HIPAA) – Medical and Mental Health Records

a. HIPAA protects the confidentiality of information in health records. Confidentiality is held by the patient, not the mental health provider. In cases where HIPAA applies, the following strategies below may assist threat assessment teams in eliminating potential barriers to critical data collection:

(1) Ask permission from the student and parent to disclose medical records;

(2) Provide information to health and mental professionals; and

(3) Ask about duty to warn or duty to protect.

b. Additionally, medical and mental health providers may disclose protected health information when disclosure:

(1) Is necessary to prevent or lessen a serious and imminent threat to health or safety of patient or others and is to someone reasonably able to prevent or lessen the threat; and

(2) May include disclosure to law enforcement, or others who can mitigate the threat and disclosure must be consistent with applicable law and standards of ethical conduct.

6. Record Keeping

All documentation from the threat assessment process must be maintained in a confidential and secure location. Maintaining records and preserving evidence throughout the process, assists in the establishment of a legal and behavioral justification for the intervention. Records may be electronic or

paper and must be maintained in accordance with record retention rules established by the Department of Treasury.

Adopted:

R 2423 BILINGUAL AND ESL EDUCATION

A. Definitions – N.J.A.C. 6A:15-1.2

1. "Alternate English language proficiency assessment" (alternate ELP assessment) means a New Jersey Department of Education (Department)-approved assessment for students with the most significant cognitive disabilities that assesses a student's English language proficiency (ELP) on the four domains of listening, speaking, reading, and writing, and that is aligned with the English Language Development (ELD) standards and the Individuals with Disabilities Education Act (IDEA).

2. "Bilingual education program" means a full-time language instruction educational program (LIEP) in all courses or subjects provided in accordance with N.J.S.A. 18A:35-18. Students in a bilingual education program receive instruction in the primary language of multilingual learners (ML) enrolled in the program and in English, while also receiving English as a second language (ESL) instruction. Educators use the primary language of instruction to enhance literacy in the primary language and as a support in the development of listening, speaking, reading, and writing skills in English. Students also receive instruction in the history and culture of the country, territory, or geographic area that is the native land of the parents and families of MLs enrolled in the program, and in the history and culture of the United States.

3. "Bilingual part-time program" means an instructional program alternative in which students receive their academic content area classes in English language arts (ELA) and mathematics instruction with a certified bilingual teacher who provides instruction in the primary language of the MLs in the program, as well as ESL instruction.

4. "Bilingual resource program" means an instructional program alternative in which students receive instruction and resources that are individualized for each student, daily instruction from a certified bilingual teacher in academic content areas as identified by the school district, as well as ESL instruction.

5. "Bilingual tutorial program" means an instructional program alternative in which students receive one period of instruction from a certified bilingual teacher in an academic content area required for graduation, a second period of tutoring in another required content area, as well as ESL instruction.

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

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

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

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

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

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

12. "Educational needs" means the particular educational requirements of MLs; the fulfillment of which will provide them with equal educational opportunities.

13. "English as a second language (ESL) program" means a daily class period of second-language acquisition instruction within a LIEP and based on a student's English language proficiency that teaches the English language development standards and incorporates the cultural aspects of the students' experiences in their ESL instruction.

14. "English language development standards" or "ELD standards" means the 2020 Amplification of the English Language Development Standards, Kindergarten – Grade 12 incorporated herein by reference, as amended and supplemented, developed by WIDA. They are the standards and language competencies in listening, speaking, reading, and writing that MLs in preschool programs, and elementary and secondary schools, need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic content areas. The standards are a version of ELA that have been crafted to address the specific developmental stages of students learning English. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at

    https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf.

15. "English language proficiency assessment" or "ELP assessment" means a Department-approved assessment that evaluates a student's English language proficiency on the four domains of listening, speaking, reading, and writing, and that is aligned with the ELD standards.

16. "English language services" means services designed to improve the English language skills of MLs. The services, provided in school districts with less than ten MLs in Kindergarten through twelfth-grade, are part of the regular school program and are designed to develop proficiency in the ELD standards.

17. "Equal educational opportunity" means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.

18. "Exit criteria" means the criteria that must be applied before a student may be exited from a LIEP.

19. "High-intensity ESL program" means an instructional program alternative in which students receive two or more class periods each day in session of ESL instruction. One period is the standard ESL class, and the other period is a tutorial or ESL reading class.

20. "Instructional program alternative" means a LIEP, other than bilingual education and/or dual language immersion, that may be established by the Board of Education in consultation with, and approval of, the New Jersey Department of Education through a waiver request pursuant to N.J.S.A. 18A:35-18. All students in an instructional program alternative receive an ESL class period each day in session.

21. "Language instruction educational program" or "LIEP" means the program of services in which a ML receives instruction and support to develop and attain English language proficiency while meeting or exceeding the New Jersey Student Learning Standards (NJSLS) in academic content areas. MLs in a LIEP develop proficiency in the English language while they develop skills and knowledge within the academic content areas. A LIEP includes the services that all MLs are entitled to receive, pursuant to N.J.S.A. 18A:35-16 and N.J.A.C. 6A:15. LIEP includes "programs of bilingual education," pursuant to N.J.S.A. 18A:35-16, and "instructional alternative programs," pursuant to N.J.S.A. 18A:35-18.

22. "Multicultural curriculum" means the same as that term is defined pursuant to N.J.A.C. 6A:7.

23. "Multilingual learner" or "ML" means a student whose primary language is not English, who is identified through the process set forth in N.J.A.C. 6A:15, and who is developing proficiency in multiple languages (e.g., English and a primary language). The term is synonymous with "English learner" or "English language learner."

24. "Newcomer" means any student born outside of the United States who has recently arrived in the United States. Newcomer is an umbrella term that includes a heterogenous group of immigrants; some newcomers may also be MLs or students with interrupted formal education (SIFE).

25. "NJSLS" means the New Jersey Student Learning Standards as defined at N.J.A.C. 6A:8-1.3.

26. "Parent(s)" means the natural or adoptive parent, legal guardian, surrogate parent appointed pursuant to N.J.A.C. 6A:14-2.2, or a person acting in the place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights pursuant to N.J.A.C. 6A:32. In addition, a resource family parent may act as a parent pursuant to N.J.A.C. 6A:32 if the parent's authority to make education decisions on the student's behalf has been terminated by a court of appropriate jurisdiction.

27. "Primary language" means the language or mode of communication in which a ML is most fluent or speaks more regularly than any other language. In the case of a student, the primary language is the language normally used by the student's parent.

28. "Sheltered English instruction" means an instructional program alternative to make academic instruction in English understandable to MLs. Sheltered English classes are taught by classroom teachers who deliver instruction in English, may not hold a bilingual/ESL endorsement, but have received training on strategies for instructional adaptation, pursuant to N.J.A.C. 6A:8-1.3, to make academic content areas comprehensible for MLs.

29. "State Seal of Biliteracy" means a recognition awarded pursuant to N.J.A.C. 6A:8-5.3.

30. "Statewide home-language survey" or "Statewide HLS" means a standardized questionnaire developed by the Department for school districts to use to help identify which students are potential MLs and which students will require a record review and an ELP assessment to determine whether they are eligible for placement in a LIEP.

31. "Student with interrupted formal education" or "SIFE" means a ML in grades four to twelve who has experienced disruptions in their formal education that took place outside of the United States.

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

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

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

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

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

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

(1) Preschool students who are identified, pursuant to the processes set forth at N.J.A.C. 6A:15-1.3(a)1 and (a)2 and B.1.a. and B.1.b. above, as having a primary language other than English shall be identified as MLs. Prior to the start of their Kindergarten year, the district shall administer an ELP assessment to preschool MLs as part of the screener process to determine the ML's English language proficiency level.

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

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

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

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

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

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

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

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

b. Whenever there are twenty or more MLs in Kindergarten through twelfth-grade in any one language classification enrolled in the school district, a LIEP shall include bilingual education or dual language immersion programs pursuant to N.J.A.C. 6A:15-1.4(e) and C.5. below, unless waived pursuant to N.J.A.C. 6A:15-1.15 and N. below.

c. Whenever there are ten or more MLs in Kindergarten through twelfth-grade enrolled in the school district, an ESL program shall be provided.

d. Whenever there are at least one, but fewer than ten MLs in Kindergarten through twelfth-grade enrolled in the school district, the Board shall provide the MLs with English language services. English language services shall be provided as part of the regular school program.

e. Instructional program alternatives may be implemented pursuant to N.J.A.C. 6A:15-1.15 and N. below.

3. The Board shall provide appropriate instructional programs to eligible preschool MLs based on the New Jersey Preschool Program Implementation Guidelines and the New Jersey Preschool Teaching and Learning Standards of Quality, pursuant to N.J.A.C. 6A:13A – Elements of High-Quality Preschool Programs.

   a. A program that meets the New Jersey Preschool Teaching and Learning Standards of Quality and is approved, pursuant to N.J.A.C. 6A:13A, will be considered a preschool LIEP.

4. The Board shall establish bilingual education or dual language immersion programs whenever there are twenty or more MLs in any one language classification enrolled in the school district in Kindergarten through twelfth-grade, pursuant to N.J.S.A. 18A:35-18. Bilingual education or dual language immersion programs shall:

   a. Be designed to prepare MLs to acquire sufficient English knowledge and skills to meet the NJSLS. All MLs participating in bilingual and dual language immersion programs shall also receive a class period of ESL instruction each day in session;

   b. Include a curriculum that is aligned to the NJSLS and the ELD standards and includes primary language instruction delivered to further master literacy in the primary language and as a support in the development of English proficiency;

c. Include the full range of required courses and activities offered on the same basis and under the same rules that apply to all students within the school district; and

d. Utilize a curriculum for bilingual education programs that is adopted by the Board.

5. The Board shall provide at least one class period of ESL instruction each day in session based on a student's English language level to all MLs placed in a LIEP.

a. The Board shall develop and adopt an ESL curriculum that addresses the ELD standards to address the instructional needs of MLs.

b. The ESL curriculum shall be cross-referenced to the school district's bilingual education and academic content area curricula to ensure that ESL instruction is correlated to all academic content areas taught.

6. The Board may establish dual language immersion programs to meet the requirement at N.J.A.C. 6A:15-1.4(b)2. and C.2.b. above and N.J.S.A. 18A:35-15 through 18A:35-26.

a. Dual language immersion programs shall be designed to help students achieve proficiency in English and in a second language while mastering academic content area skills.

b. Instruction shall be in all courses or subjects of study that allow students to meet all grade promotion and graduation standards.

c. Classes in dual language immersion programs shall be comprised of at least fifty percent MLs.

d. The program may be coordinated with the school district's world languages program.

e. Dual language immersion programs that are not established to provide the LIEP services required pursuant to N.J.S.A. 18A:35-15 through 18A:35-26 do not have to comply with the requirements of N.J.A.C. 6A:15, Policy 2423, and this Regulation.

7. The Board may establish a newcomer program for a limited duration in time to address the needs of recent immigrant students, particularly SIFEs, before the students transition to a general education classroom. A high-quality newcomer program shall:

   a. Be age-appropriate;

   b. Include content that relates to the NJSLS;

   c. Include social-emotional learning; and

   d. Include courses that are credit-bearing and count toward graduation pursuant to N.J.A.C. 6A:8, or promotion requirements to allow students to meet grade-level standards within a reasonable period of time.

8. The Board shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable MLs to meet or exceed the NJSLS for graduation. When sufficient numbers of students are not available to form a bilingual class in an academic content area, the Board shall develop, in consultation with and approved by the Department, plans to meet the needs of the students.

9. In addition to N.J.A.C. 6A:15-1.4(a) through (h) and C.1. through C.8. above, the Board shall design additional programs and services to meet the special needs of eligible MLs. The additional programs and services shall include, but not be limited to, individualized and targeted supports through Title I programs; special education; career and technical education programs; gifted and talented education services; supports to help MLs earn a State Seal of Biliteracy pursuant to N.J.A.C. 6A:8-5.3; and individualized learning opportunities pursuant to N.J.A.C. 6A:8-5.1.

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

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

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

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

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

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

      (1) The NJSLS;

      (2) The ELD standards; and

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

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

      (1) The NJSLS;

      (2) The ELD standards for preschool; and

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

   c. MLs have equitable access to educational activities and programs in a manner aligned to the Board's Comprehensive Equity Plan, pursuant to N.J.A.C. 6A:7.

   d. School district staff engage in ongoing and continuous program evaluations that shall include regular reviews of student performance data (for example, graduation rates and assessment results) and other measures (for example, absenteeism, disciplinary records, and course enrollment) to evaluate whether MLs in the district have equitable access to educational opportunities, including, but not limited to,

gifted and talented programs; advanced coursework and dual enrollment; work-based learning opportunities; extra-curricular activities; and career counseling.

e. Preschool students participate in instructional activities pursuant to N.J.A.C. 6A:13A.

f. Bilingual and dual language immersion programs promote bilingualism, biliteracy, cross-cultural competency, high levels of academic achievement in both languages, and a path, if available, toward attaining the State Seal of Biliteracy.

3. The Board's LIEP plan submitted to the Department for approval shall include information on the following:

a. Identification of MLs in preschool through twelfth-grade;

b. LIEP description;

c. The number of staff hired for the LIEP by certificate type;

d. Bilingual and ESL curriculum;

e. Evaluation design;

f. Review process for a student's exit from ML status; and

g. A budget for all components of the LIEP.

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

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

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

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

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

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

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

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

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

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

G. Certification – N.J.A.C. 6A:15-1.8

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

2. Dual language immersion programs, for the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18; N.J.A.C. 6A:15; Policy 2423; and this Regulation may be taught by one or more teaching staff members. In these

dual language immersion programs, the following endorsements to an instructional certificate shall be fulfilled by one or more teaching staff members:

a. An endorsement for the appropriate grade level and/or academic content area being taught; and

b. An endorsement in bilingual/bicultural education or world languages.

(1) A teaching staff member of a language other than English has demonstrated linguistic competence in the language of their instruction, pursuant to N.J.A.C. 6A:9B-10.5 or 11.5(a)2.

3. All teaching staff members of ESL classes shall hold a valid New Jersey instructional certificate with an ESL endorsement, pursuant to N.J.S.A. 18A:6-38 et seq. and N.J.A.C. 6A:9B-11.6.

4. All teaching staff members providing English language services shall hold a valid New Jersey instructional certificate.

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

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

2. Students identified as MLs shall be assessed annually using ELP assessments to measure the progress toward English language proficiency and to determine readiness for exiting the LIEP. Students who meet the criteria for Statewide alternate assessments, pursuant to N.J.A.C. 6A:14-4.10(a)2, shall be assessed annually using an alternate ELP assessment.

3. A ML enrolled in the LIEP shall be placed in a classroom(s) where the primary language of instruction is English when the ML has demonstrated readiness to exit a LIEP first by achieving the Department-established cut score on an ELP or alternate ELP assessment. The student's readiness shall be further assessed by the use of a Department-established English language observation form that considers, at a minimum: classroom performance; the

student's reading level in English; the observations of the teaching staff members responsible for the educational program of the student; and performance on achievement tests in English.

a. Pursuant to 34 CFR §200.6(h)(4)(ii), a ML with a disability whose disability makes it impossible for the student to be assessed in a particular domain because there are no appropriate accommodations for assessing the student in that domain may be exited from ML status based on the student meeting the Department-determined cut score on the remaining domains in which the student was assessed.

4. When the review process for exiting a student from a LIEP has been completed, the district shall notify, by written communication, the student's parent of the placement determination. If the parent or a teaching staff member disagrees with the student's placement, the parent or teaching staff member may appeal the placement to the Commissioner of Education, pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, after exhausting the school district's appeal process.

5. A parent may remove a student who is enrolled in a LIEP pursuant to N.J.S.A. 18A:35-22.1.

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

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

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

a. After a minimum of one-half an academic year and within two years of exit, the teaching staff member delivering instruction in English may recommend retesting with the approval of the Principal.

b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Superintendent if the student is experiencing extreme difficulty in adjusting to classes where English is the primary language of instruction.

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

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

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

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

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

J. Location – N.J.A.C. 6A:15-1.11

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

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

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

K. Notification – N.J.A.C. 6A:15-1.12

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

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

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

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

a. Why the student was identified as a ML;

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

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

d. The method of instruction the school district will use to serve the student, including a description of other instruction methods available and how those methods differ in content, instructional goals, and the use of English and a primary language, if applicable;

e. How the program will meet the student's specific needs in attaining English language proficiency and meeting or exceeding the NJSLS;

f. The program's exit requirements, the expected amount of time that the ML will need to successfully achieve in classrooms where the

language of instruction is English, and, in the case of high school students, the expected rate of graduation;

g. How the LIEP will meet the objectives of the individualized education program of a student with a disability; and

h. A statement that the parent may decline the child's enrollment in a LIEP, and that the parent shall be given an opportunity to do so or to select a different type of LIEP service available at the child's school.

3. The district shall send progress reports to the parents of students enrolled in a LIEP in the same manner and frequency as progress reports are sent to the parent of other students enrolled in the school district.

4. Progress reports shall be written in English and in the primary language spoken by the parent of students enrolled in the LIEP.

5. The district shall notify the parent when the student meets the exit criteria and is placed in a monolingual English program. The notice shall be in English and in the language in which the parent possesses a primary speaking ability.

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

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

a. A LIEP; and

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

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

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

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

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

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

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

a. Instructional program alternatives that shall be established include, but are not limited to: the bilingual part-time program; the bilingual resource program; the bilingual tutorial program; the sheltered English instruction program; and the high-intensity ESL program.

b. All instructional program alternatives shall be designed to assist MLs to develop English language proficiency while learning the knowledge and skills for academic content areas to meet or exceed the NJSLS.

c. Instructional program alternatives shall be developed in consultation with the Department based on student enrollment and achievement data.

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d. A Board of Education implementing instructional program alternatives annually shall submit to the Department student enrollment and achievement data that demonstrate the continued need for the programs.

e. Instructional program alternatives shall be approved annually by the Department based on the Department's review of student enrollment and achievement data.

A. Definitions

1. "Remote instruction" means the provision of instruction occurring when the student and the instructor are in different locations due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.

2. "Virtual instruction" means the provision of active instruction when the student and the instructor are in different locations and instruction is facilitated through the internet and computer technologies due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.

B. Pursuant to N.J.A.C. 6A:32-13.1, if the State or local health department determines that it is advisable to close, or mandates closure of, the schools of a school district due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for more than three consecutive school days, the Superintendent shall have the authority to implement the school district's program of virtual or remote instruction, pursuant to N.J.S.A. 18A:7F-9.

1. If implemented by the Superintendent, the school district's program of virtual or remote instruction shall be provided to an enrolled student, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one.

a. The school district shall provide students with a disability with the same educational opportunities provided to general education students to the extent appropriate and practicable.

b. Related services may be delivered to general education students and students with a disability through the use of electronic communication or a virtual or online platform, as appropriate.

2. The Board of Education may apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.b., one or more days of virtual or remote instruction under the following conditions and in accordance with N.J.A.C. 6A:32-13.1(c)1. through 4. and B.2.a. through d. below:

a. Virtual or remote instruction is provided to students on the day(s) that some or all of the programs of instruction of the district were closed to in-person instruction;

b. The virtual or remote instruction meets the Commissioner-established criteria for the occurrence of one of the events at N.J.A.C. 6A:32-13.1(b) and B. above;

c. The school district's program of virtual or remote instruction:

(1) Explains, to the greatest extent possible, the equitable delivery of, and access to, virtual and remote instruction, including descriptions of the following:

(a) The design of synchronous and/or asynchronous virtual or remote learning plans that will maximize student growth and learning;

(b) How the school district will continuously measure student growth and learning in a virtual or remote instruction environment; and

(c) The school district's plan for measuring and addressing any ongoing digital divide issue(s), including a lack of access to the internet, network access, or devices;

(2) Addresses the needs of students with disabilities and includes descriptions of the following:

(a) The delivery of virtual or remote instruction in order to implement, to the greatest extent possible, students'

individualized education programs (IEPs), including material and platform access;

(b) The methods used to document IEP implementation, including the tracking of student progress, accommodations, and modifications;

(c) How case managers follow up with parents to ensure services are implemented, to the greatest extent possible, in accordance with IEPs; and

(d) How the school district plans to conduct IEP meetings, evaluations, and other meetings to identify, evaluate, and/or reevaluate students with disabilities;

(3) Addresses the needs of English language learners (ELLs) and includes descriptions of the following:

(a) How the school district includes an English as a Second Language and/or bilingual education program aligned with State and Federal requirements to meet the needs of ELLs;

(b) The process to communicate with parents of ELLs, including providing translation materials, interpretative services, and information available at the parent's literacy level;

(c) The use of instructional adaptations, for example, differentiation, sheltered instruction, Universal Design for Learning, access to technology, and strategies to ensure that ELLs access the same standard of education as non-ELL peers; and

(d) The training for teachers, administrators, and counselors to learn strategies related to culturally responsive teaching and learning, social-emotional learning, and trauma-informed teaching for students affected by forced migration from their home country;

(4) Accounts for student attendance in accordance with N.J.A.C. 6A:32-13.1(d) and B.3. below and include the following:

(a) A description or copy of the school district's attendance policies, including how the school district will determine whether a student is present or absent during virtual or remote instruction, and how a student's attendance will factor into promotion, retention, graduation, discipline, and any other decisions that will reflect the student's performance;

(5) Describes how the school district is communicating with the parents when a student is not participating in virtual or remote instruction and/or submitting assignments;

(6) Includes a plan for the continued safe delivery of meals to eligible students;

(7) Includes an outline of how buildings will be maintained throughout an extended period of closure; and

(8) Includes district-specific factors, including, but not limited to, considerations for Title I extended learning programs, 21st Century Community Learning Center Programs, credit recovery, other extended student learning opportunities, accelerated learning, and social and emotional health of staff and students, transportation, extra-curricular programs, childcare, and community programming; and

d. The Board of Education submitted a proposed program of virtual or remote instruction to the Commissioner annually.

(1) If the Board is unable to complete and submit a proposed program annually in accordance with the timeline established by the Commissioner, and the school district is required to close its schools for a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner may retroactively approve the program.

3. If provided under the Board's program that has been approved by the Commissioner, student attendance for a day of virtual or remote instruction shall be accounted for in accordance with N.J.A.C. 6A:32-8.4 for the purpose of meeting State and local graduation requirements, the awarding of course credit, and other matters as determined by the Commissioner.



REGULATION

ESSEX FELLS
BOARD OF EDUCATION

Adopted: 1 March 2023

R2431.4 PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

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

A. Prevention

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

a. Limit the number of stunts during cheerleading practice.

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

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

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

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

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

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

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

(3) Making illegal contacts; and

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

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

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

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

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

B. Possible Signs or Symptoms of Concussion

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

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

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

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

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

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

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

g. The student-athlete has a headache;

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

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

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

k. The student-athlete is experiencing sensitivity to light or sound/noise;

l. The student-athlete is feeling sluggish or foggy;

m. The student-athlete is having difficulty with concentration and short-term memory;

n. The student-athlete is experiencing sleep disturbance; and

o. The student-athlete is experiencing irritability and/or mood changes.

2. Any possible signs or symptoms of a concussion shall be reported by the student-athlete participating in a program of athletic competition to the coach(es), athletic trainer, school or team physician, school nurse, and/or parent.

C. Treatment

1. Pursuant to N.J.S.A. 18A:40-41.4, a student-athlete who participates in a program of athletic competition and who sustains or is suspected of having sustained a concussion or other head injury while engaged in a program of athletic competition shall be immediately removed from the program of athletic competition by the staff member supervising the program of athletic competition.

2. The staff member supervising the student-athlete during the program of athletic competition shall immediately contact the school physician, athletic trainer, or school nurse to examine the student-athlete.

3. Emergency medical responders (911) shall be called if the student-athlete is experiencing a deterioration of symptoms, loss of consciousness, or direct neck pain associated with the injury pursuant to D. below.

4. A student-athlete who is removed from a program of athletic competition shall not participate in further programs of athletic competition until:

a. The student-athlete is evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions and receives written clearance from a physician trained in the evaluation and management of concussions to return to the program of athletic competition; and

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

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

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

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

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

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

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

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

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

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

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

a. The student-athlete loses consciousness;

b. The student-athlete has a headache that gets worse and does not go away;

c. The student-athlete is experiencing weakness, numbness, decreased coordination, convulsions, or seizure;

d. The student-athlete is experiencing repeated vomiting and/or intractable retching;

e. The student-athlete is slurring speech or exhibiting unusual behavior (disoriented);

f. The student-athlete has one pupil (the black part in the middle of the eye) larger than the other; and

g. The student-athlete cannot recognize people or places and/or gets confused, restless, or agitated.

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

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

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

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

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

2. Six-Step Return to Play Progression

a. Step 1: Back to Regular Activities

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

b. Step 2: Light Aerobic Activity

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

c. Step 3: Moderate Activity

The student-athlete shall continue with activities to increase a student-athlete's heart rate with body or head movement. This includes

moderate jogging, brief running, moderate-intensity stationary biking, or moderate-intensity weightlifting (less time and/or less weight from their typical routine).

d. Step 4: Heavy, Non-Contact Activity

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

e. Step 5: Practice & Full Contact

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

f. Step 6: Competition

The student-athlete may return to competition.

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

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

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

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

1. Initial rest followed by a gradual return to activity during healing is recommended. Accordingly, consideration of the cognitive effects in

returning to the classroom is also an important part of the treatment of sports-related concussions and head injuries.

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

   a. The district will provide support for student-athletes diagnosed with a concussion.

   b. The student-athlete's health care provider will handle short-term medical accommodations.

3. Collaboration between the student-athlete's health care provider and the school may be necessary. If accommodations are needed for an extended time, the district may want to consider implementing accommodations via a formalized 504 plan.

4. The Principal or designee may address the student-athlete's cognitive needs in the following ways:

   a. Limit the student-athlete's screen time;

   b. Have the student-athlete take rest breaks as needed;

   c. Have the student-athlete spend fewer hours at school;

   d. Provide the student-athlete more time to take tests or complete assignments. (All courses should be considered);

   e. Provide the student-athlete help with schoolwork;

   f. Reduce the student-athlete's time spent on the computer, reading, and writing;

g. Provide or grant the student-athlete early passing time to avoid crowded hallways; and/or

h. Allow the student-athlete extra time to complete tests or coursework.

5. These supports and/or short-term medical accommodations may be addressed in an individualized healthcare plan for a student-athlete who has suffered a concussion or other head injury.

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

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

G. Education

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

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

H. Other Considerations

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

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

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

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

I. Interscholastic Head Injury Training Program

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

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

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

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

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

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



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

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

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

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

1. The Board shall review Policy 2431.4 and this Regulation annually, and update as necessary to ensure Policy 2431.4 and this Regulation reflect the

most current information available on the prevention, risk, and treatment of sports-related concussions and head injuries.

2. The district may provide regular education and training for staff including administrators, teachers, paraprofessionals, and school counselors regarding concussions and other head injuries as head injuries can happen at any time during the school day or outside of school.

3. The district is in a unique position to promote healthy behaviors. The district can embed education related to the prevention and treatment of concussions and head injuries through the New Jersey Student Learning Standards Comprehensive Health and Physical Education Standard 2.3 – Safety. In addition, N.J.S.A. 18A:6-2 requires education in accident and fire prevention and N.J.S.A. 18A:35-5 requires education in injury or illness emergencies.

Adopted: 20 March 2024



R 2460 SPECIAL EDUCATION

School district officials and staff shall adhere to all regulations included in N.J.A.C. 6A:14-1.1 et seq. and the following special education regulations:

R 2460.1	Special Education - Location, Identification, and Referral (M)
R 2460.8	Special Education - Free and Appropriate Public Education (M)
R 2460.9	Special Education - Transition From Early Intervention Programs to Preschool Programs (M)
R 2460.15	Special Education – In-service Training Needs for Professional and Paraprofessional Staff (M)
R 2460.16	Special Education - Instructional Material to Blind or Print-Disabled Students (M)

Definitions:

Refer to N.J.A.C. 6A:14-1.3 for definitions of terms used in Regulations 2460.1 through 2460.16.

Adopted: 20 April 2017

R 2460.1 SPECIAL EDUCATION - LOCATION, IDENTIFICATION, AND REFERRAL

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, and highly mobile students such as migrant workers' children and homeless students regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3

A. Procedures for Locating Students With Disabilities

1. The CST Coordinator will coordinate the child find activities to locate, identify and evaluate all children, ages three through twenty-one, who reside within the school district or attend nonpublic schools within the school district and who may have a disability.

2. By April 1st of each school year, the CST Director will conduct child find activities, in the native language of the population, as appropriate, including but not limited to:

   a. Development of child find materials for distribution.

   b. Broadcasting of child find information on the school district cable television station. (if applicable)

   c. Distribution of flyers to the parents of all students enrolled in the school district.

   d. Mailing of child find material to nonpublic schools in the area.

   e. Mailing of child find material to local pediatricians, hospitals and clergy.

   f. Public service announcements on local foreign language radio stations and cable television stations.

   g. Public service announcements in local newspapers.

   h. Distribution of child find materials in supermarkets, convenience stores, shelters for the homeless, public and private social service agency locations and nursery school providers.

i. Mailing information letters to local physicians, hospitals, nursery schools, non-public schools, health departments, community centers, rescue squads and churches.

j. A guide to preschool services for potentially disabled children ages three to five is made available to parents.

k. Posting of State developed child find materials in the main office for potentially disabled students and/or early intervention program.

l. Training of home school advocate/school community liaisons or others to assist in the identification of potentially disabled students.

m. Listings of Early Intervention Program (EIP), local nursery schools and pediatricians are maintained. The district's preschool coordinator (or other) maintains contact with EIP coordinator and nursery school director.

n. Information is distributed through the Parent Advisory Committee.

o. School handbooks distributed to parents contain information describing special education services.

p. Distribution of information to the school district's ESL/Bilingual teachers describing child find activities.

q. Students entering Kindergarten are screened annually to identify students who may have a disability.

r. Intervention and Referral Services Committees (I&RS) have been established in the school building.

B. Procedures for Intervention in the General Education Program

A staff member or agency shall provide in writing a request for intervention services for students ages three to twelve, to the Building Principal or designee. The request shall contain the following:

1. Reason for request (including parental or adult student request);

2. Descriptive behavior of student performance; and

3. Indication of the prior interventions.

Teachers and other school professionals, as appropriate, will be in-serviced annually by the Building Principal or designee regarding the procedures for initiating and providing interventions in the general education program. The parent(s) will be informed of the procedures to initiate interventions in the general education program.

The Superintendent or designee will oversee the district's implementation/evaluation of the interventions identified.

An Intervention and Referral Services Committee (I&RS) will be in place in the school building pursuant to N.J.A.C. 6A:16-8.1 et. Seq. and Policy and Regulation 2417.

The Building Principal or designee will be responsible for the following:

1. The implementation and effectiveness of building level I&RS Committee;

2. Will identify the roles and responsibilities of building staff who participate in planning and providing intervention services; and

3. Review, assess and document the effectiveness of the services provided in achieving the outcome identified in the intervention plan.

4. The I&RS Committee shall:

   a. Plan and provide appropriate intervention services;

   b. Actively involve the parent(s) in the development and implementation of intervention plans;

   c. Develop an action plan for an identified student which specifies specific tasks, resources, persons responsible, completion dates, date for review;

   d. Coordinate the services of community based social and health provider agencies;

   e. Process and complete the documentation forms;

f. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan; and

g. Ensure the type, frequency, duration, and effectiveness of the interventions are documented.

5. The Building Principal will insure that:

a. I&RS Committee receive in-service training by the Building Principal or designee by October 31st each school year;

b. Staff handbooks are updated by August 15th and include information regarding intervention procedures;

c. New instructional staff attend the district's orientation program commencing in the month of August/September which includes information on I&RS Committee;

d. School calendars are distributed in the month of September and provide information on intervention services; and

e. Parent/student handbooks distributed in the month of September and include information on intervention services.

C. Procedures for Referral

Referral procedures are included in professional staff handbooks and referral forms are available in the Child Study Team office, and the Office of the Superintendent.

1. Parental Notification of Referral Procedures

Referral procedures shall be included in the website, Parent Handbook, newsletter, special education brochure or pamphlet or other school district publication, which shall be distributed to the parent(s). These procedures and publications shall be updated annually and be distributed to the parent(s) and appropriate social service and welfare agencies not later than October 1 of each year.

2. Parent Initiated Referral

When a parent makes a written request for an evaluation to determine eligibility for services:

a. The written request shall be received and dated by the Superintendent's office;

b. The written request shall be immediately forwarded to the office of special services/special education;

c. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting and any forms used to open a case;

d. Upon receipt of the referral a request for a summary and review of health and medical information regarding the student shall be forwarded to the school nurse who will transmit the summary to the (CST);

e. The CST Coordinator will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date the request was received by the district;

f. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s);

g. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet; and

h. The referral/identification meeting will be attended by the parent(s), CST and regular education teacher.

3. School Initiated Referral

Referral of a student to the CST may be made by administrative, instructional and other professional staff to determine eligibility for special services when:

a. It is determined (optional: through the I&RS Committee) that interventions in the general education program have not been effective in alleviating the student's educational difficulties.

b. It can be documented that the nature of the student's educational problem(s) is such that an evaluation to determine eligibility for services is warranted without delay.

c. The CST Director, through in-service training, shall ensure that students are referred who may have a disability, but are advancing from grade to grade.

(1) A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

(a) As part of the re-evaluation, the Individualized Education Plan (IEP) team determines that the student continues to require specially designed services to progress in the general education curriculum; and

(b) The use of functional assessment information supports the IEP team's determination.

The following procedure will be followed for a school initiated referral:

a. A referral to the CST will be completed by the referring staff member;

b. I&RS documentation including, but not limited to: teacher reports, grades and other relevant data (optional: the intervention record) shall be forwarded with the referral to the CST along with any other relevant data;

c. I&RS documentation does not need to be forwarded for direct referral when the nature of the student's problem is such that the evaluation is warranted without delay;

d. The referral should be dated upon receipt by the CST;

e. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting;

f. Upon receipt of the referral, a request for a summary and review of health and medical information regarding the student shall be forwarded to the school nurse who will transmit the summary to the CST;

g. The CST will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date recorded on the referral;

h. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s);

i. The notice shall contain "Parental Rights in Special Education" (PRISE); and

j. The referral/identification meeting will be attended by the parent(s), CST and regular education teacher.

4. The district may use community rehabilitation programs approved by the New Jersey Department of Labor, Division of Vocational Rehabilitation Services or any other State agency empowered to accept secondary level student placement according to N.J.A.C. 6A:14-4.7(i).

5. Each evaluation of the student requires an assessment to determine appropriate post-secondary outcomes as part of transition services planning.

6. Each IEP Team member is required to certify in writing whether the IEP Team report reflects his or her conclusions. In the event the IEP Team report does not reflect the IEP Team member's conclusion, the IEP Team member must submit a dissenting opinion in order to ensure the parent(s) is aware of dissenting opinions regarding the determination of eligibility for a specific learning disability.

7. The parent(s) must receive a copy of their child's evaluation report and any documentation leading to a determination of eligibility not less than ten calendar days prior to the eligibility conference in order to ensure the parent(s) has a reasonable amount of time to review documentation prior to an eligibility conference.

8. A student may be referred directly to the CST when warranted.

Adopted: 20 April 2017

R 2460.8 SPECIAL EDUCATION - FREE AND APPROPRIATE PUBLIC EDUCATION

A free and appropriate public education is available to all students with disabilities between the ages of three and twenty-one including students with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free and appropriate public education to students with disabilities who are suspended or expelled are as follows:

1. School officials responsible for implementing suspensions/expulsions in the district are the following:

   a. PreK – 6 Superintendent/Principal.

2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager by the Principal or designee. (Notification must be in written format for documentation.)

   a. Removal for at least half of the school day shall be reported via the Electronic Violence and Vandalism Reporting System.

3. The Principal or designee will ensure that a system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons. Documentation will include:

   a. Student's name;

   b. The infraction;

   c. Time suspended; and

   d. The cumulative days suspended including removal for a portion of the school day which is counted proportionately.

4. When a student is suspended from transportation:

   a. Suspension from transportation is not counted as a day of removal if the student attended school.

   b. Suspension from transportation is counted as a day of removal if the student does not attend school.

   c. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.

   d. Suspension from transportation may be counted as a day of absence rather than a day of removal if the district made available an alternate means of transportation and the student does not attend school.

5. When a student with a disability participates in an in-school suspension program, the Principal or designee shall ensure that participation in the program is not considered removal when determining whether a manifestation determination must be conducted if the program provides the following:

   a. Opportunity for the student to participate and progress in the general curriculum,

   b. Services and modifications specified in the student's IEP,

   c. Interaction with peers who are not disabled to the extent they would have in the current placement, and

   d. The student is counted as present for the time spent in the in-school suspension program.

6. When a series of short-term removals will accumulate to more than ten school days in the year:

   a. The Principal or designee and the case manager will consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2. Written documentation of the consultation between the school administration and the case manager shall be maintained by the case manager.

   b. If it is determined that there is no change in placement, the Principal or designee**,** the case manager, and special education teacher will consult to determine the extent to which services are necessary to:

      (1) Enable the student to participate and progress appropriately in the general education curriculum; and

      (2) Advance appropriately toward achieving the goals set out in the student's IEP**.**

      Written documentation of the consultation and services provided shall be maintained in the student's file.

7. When a disabled student is removed from his/her current placement for more than ten days and the removal does not constitute a change in placement, the case manager shall convene a meeting of the IEP Team and, as necessary or required, conduct a functional behavior assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004, 20 U.S.C. §1415(k). The IEP Team shall:



a. Review the behavioral intervention plan and its implementation;

b. Determine if modifications are necessary; and

c. Modify the behavioral intervention plan and its implementation as appropriate. The plan will be modified to the extent necessary if at least one member of the team determines that modifications are necessary.

The case manager will document the date and the outcome of the meeting.

The documentation shall be placed in the student's file.

Procedures Regarding the Provision of a Free and Appropriate Public Education to Preschool Age Students with Disabilities

To ensure that preschoolers with disabilities who are not participating in an early intervention program have their initial IEP's in effect by their third birthday, a written request for an initial evaluation shall be forwarded to the district.

The following procedures will be followed:

1. A parent of a preschool-age student suspected of having a disability, who requests a Child Study Team (CST) evaluation by telephone, will be advised to submit a written request for an evaluation to the CST Coordinator or Superintendent or designee.

2. Upon receipt of the written request, the request shall be dated and signed by the recipient.

3. The district will respond to referrals of preschoolers according to N.J.A.C. 6A:14-3.3(e).

4. A file will be initiated for the potentially disabled preschooler:

   a. The CST Coordinator will convene a referral/identification meeting within twenty calendar days (excluding school holidays but not summer vacation) of the date recorded on the request;

   b. A "Notice of Referral/ Identification Meeting" will be sent to the parent(s);

   c. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet;

d. The meeting will be attended by the CST, including a speech language specialist, the parent(s), and a teacher who is knowledgeable about the district's program; and

e. A program shall be in place no later than ninety calendar days from the date of consent.

Procedures Regarding the Provision of a Free, Appropriate Public Education to Students with Disabilities Who Are Advancing From Grade to Grade

The CST Coordinator, through in-service training, shall ensure students with disabilities who are advancing from grade to grade with the support of specially designed services, continue to be eligible when as part of a reevaluation, the IEP Team determines the student continues to require specially designed services to progress in the general education curriculum and the use of functional assessment information supports the IEP Team's determination.

Procedures Involving Procedural Safeguards to Students Not Yet Eligible For Special Education

Disciplinary procedural safeguards will apply to students not yet eligible for special education. The parent(s) and/or adult student may assert any of the protections of the law if the district had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Adopted: 20 April 2017

R 2460.9 SPECIAL EDUCATION - TRANSITION FROM EARLY INTERVENTION PROGRAMS TO PRESCHOOL PROGRAMS

Children with disabilities participating in early intervention programs (EIP) assisted under IDEA Part C who will participate in preschool programs under N.J.A.C. 6A:14-1.1 et seq. will experience a smooth transition and will have an Individualized Education Program (IEP) developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Procedure for Child Study Team (CST) Member Attendance at the Preschool Transition Planning Conference

1. The district will make available a CST member to participate in the preschool transition planning conference arranged by the designated Part C service coordinator from the early intervention system and will:

    a. Review the Part C Individualized Family Service Plan for the child;

    b. Provide the parent(s) written district registration requirements;

    c. Provide the parent(s) written information with respect to available district programs for preschool students, including general education placement options; and

    d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.

2. The district will work collaboratively with the EIP designated Part C service coordinator or early intervention system to eliminate barriers regarding meeting times and locations.

3. School district officials shall adhere to all procedures contained in N.J.A.C. 6A:14-1.1 et seq. for transitioning children with disabilities from EIP to preschool programs.

4. The Part C service coordinator shall be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

Adopted: 20 April 2017

R 2460.15 SPECIAL EDUCATION – IN-SERVICE TRAINING NEEDS FOR PROFESSIONAL AND PARAPROFESSIONAL STAFF

The in-service training needs for professional and paraprofessional staff who provide special education, general education, or related services will be identified and appropriate in-service special education training will be provided by the district.

The district will maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;

2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;

3. Acquire and disseminate to teachers, administrators, Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials, and technology;

4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and

5. Provide for joint training activities of parents and special education, related services, and general education personnel.

Adopted: 20 April 2017

R 2460.16 SPECIAL EDUCATION - INSTRUCTIONAL MATERIAL TO BLIND OR PRINT-DISABLED PUPILS

All pupils that are blind or print-disabled will be provided instructional materials in a timely manner in accordance with a plan developed by the district.

The plan to provide the instructional material to blind or print-disabled pupils in a timely manner will:

1. Be included in the Individualized Education Program of each pupil with a disability;

2. Set forth the instructional materials needed by the pupil;

3. Indicate how the instructional material will be provided to the blind or print-disabled pupil; and

4. Address any assistive technology needed to permit the pupil to utilize the instructional material to be provided.

Adopted: 19 October 2011

R2460.30 ADDITIONAL/COMPENSATORY SPECIAL EDUCATION AND RELATED SERVICES (M)

The Board of Education shall provide additional or compensatory special education and related services to students with disabilities beyond the age of twenty-one pursuant to N.J.S.A. 18A:46-6.3.

As used in N.J.A.C. 18A:46-6.3(h) and this Regulation, "parent" means the natural or adoptive parent, the legal guardian, resource family parent when willing to so serve, a surrogate parent, or a person acting in the place of a parent, such as a grandparent or stepparent with whom the student lives, or a person legally responsible for the student's welfare. "Parent" shall also include an adult student who has attained the age of eighteen, who is not under legal guardianship, and who is entitled to receive special education and related services.

A. Additional Special Education and Related Services

1. Notwithstanding the provisions of N.J.S.A. 18A:46-6, N.J.S.A. 18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, the Board shall:

   a. In the 2021-2022 school year, provide special education and related services contained in an Individualized Education Program (IEP) to a student with disabilities who attains the age of twenty-one during the 2020-2021 school year, provided the parent of the student and the IEP team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2021-2022 school year.

      (1) A student receiving special education and related services pursuant to N.J.S.A. 18A:46-6.3.a. and A.1. shall not be eligible to receive such education and services beyond June 30, 2022, unless otherwise provided in a student's IEP or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.

2. Notwithstanding the provisions of N.J.S.A. 18A:46-6, N.J.S.A. 18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, the Board shall:

a. In the 2022-2023 school year, provide special education and related services contained in an IEP to a student with disabilities who attains the age of twenty-one during the 2021-2022 school year, provided the parent of the student and the IEP team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2022-2023 school year.

(1) A student receiving special education and related services pursuant to N.J.S.A. 18A:46-6.3.b. and A.2. shall not be eligible to receive such education and services beyond June 30, 2023, unless otherwise provided in a student's IEP or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.

3. Notwithstanding the provisions of N.J.S.A. 18A:46-6, N.J.S.A. 18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, the Board shall:

a. In the 2023-2024 school year, provide special education and related services contained in an IEP to a student with disabilities who attains the age of twenty-one during the 2022-2023 school year, provided that the parent of the student and the IEP team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2023-2024 school year.

(1) A student receiving special education and related services pursuant to N.J.S.A. 18A:46-6.3.c. and A.3. shall not be eligible to receive such education and services beyond June 30, 2024, unless otherwise provided in a student's IEP or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.

B. Rights, Privileges, and Remedies

1. A student receiving special education and related services, including transition services, pursuant to N.J.S.A. 18A:46-6.3 and this Regulation shall be afforded the same rights, privileges, and remedies provided to

students with disabilities pursuant to State law, New Jersey State Board of Education regulations concerning special education, and the Federal "Individuals with Disabilities Education Act," (IDEA) 20 USC §1400 et seq.

2. Any disputes that arise with respect to the provision or nature of services provided to a student with disabilities in the additional year as provided in accordance with N.J.S.A. 18A:46-6.3.a., b. and c., and A. above may be addressed as determined by the parent of the student with disabilities, by either:

   a. Mediation;

   b. A written request for a complaint investigation submitted to the Director of the Office of Special Education Policy and Dispute Resolution in the New Jersey Department of Education; or

   c. A special education due process hearing pursuant to IDEA, N.J.S.A. 18A:46, or administrative code.

C. Funding

1. The special education and related services, including transition services, provided to students with disabilities pursuant to the provisions of N.J.S.A. 18A:46-6.3 and this Regulation, to the extent permitted by Federal law, be paid for from the monies received by the State or a school district under the Federal "Coronavirus Aid, Relief, and Economic Security (CARES) Act," Pub.L.116-136, the Federal "Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021," Pub.L.116-260, the Federal "American Rescue Plan (ARP) Act," Pub.L.117-2, or any other Federal funding provided to address the impact of the coronavirus pandemic on elementary and secondary schools as it becomes available.

2. To the extent the Federal funds described in N.J.S.A. 18A:46-6.3.e.(1) and C.1. above do not cover the costs borne by the school district to provide the special education and related services, including transition services, to students with disabilities pursuant to the provisions of N.J.S.A. 18A:46-6.3 and this Regulation, the State of New Jersey shall appropriate funds as

necessary from the Property Tax Relief Fund to reimburse the school district for these costs.

3. The special education and related services funded pursuant to the provisions of N.J.S.A. 18A:46-6.3.e. may include, but are not limited to, the additional staff, programs, and facilities deemed necessary by the school district to provide the special education and related services, including transition services, required under N.J.S.A. 18A:46-6.

Adopted: 2 March 2022

R 2464 GIFTED AND TALENTED PUPILS

The State of New Jersey Administrative Code defines exceptionally able (gifted and talented) pupils as "those who possess or demonstrate exceptionally high levels of ability in the areas defined by the Core Curriculum Content Standards when compared to their chronological peers." The Essex Fells Board of Education and staff are committed to small class size and developing the gifts and talents of each pupil. We recognize the utmost importance of identifying and nurturing all of the varied human intelligences. Consequently, we do not have formal procedures to identify gifted pupils because with smaller class sizes and the ability to differentiate instruction, we primarily meet the needs of our most talented pupils in the regular classroom. To do so, the Board

requires that appropriate instructional opportunities be offered to identify and meet the needs of pupils who are capable of outstanding performance.

The Board philosophy, which is consistent with the position of the New Jersey Association for Gifted Children (NJAGC), favors meeting the needs of potentially gifted pupils primarily in the regular classroom with the focus on differentiating curricula and instruction. Teaching strategies to do so include:

1. Flexible Grouping - Pupils work in a variety of group arrangements based on similar or mixed readiness levels, learning profiles or interests. Pupils may also work independently.

2. Tiered Assignments - Multiple versions of an assignment that build on pupils' prior knowledge.

3. Ability-Based Reading and Discussion Groups

4. Learning Centers - Collection of materials and activities adjusted to various readiness levels, interests, and learning profiles of pupils.

5. Independent Study and Research Projects - Allow pupils to investigate areas of interest, with the teacher adjusting for different degrees of independence and complexity for each pupil.

6. Technology - Infused assignments provide opportunities for pupils to create their own multi-media presentations; conduct research on the Internet and by using CD ROM materials; participate in distance learning activities with pupils in other schools; and engage in simulations that reflect real life situations.

7. Focus on Problem-Solving in All Classes - Offer rich opportunities for pupils to engage in higher-level and creative thinking to solve problems in a context-rich and naturalistic setting.

8. Curriculum Compacting in Mathematics - Pre-test pupils on upcoming units to avoid teaching pupils what they already know. Pupils who demonstrate mastery may either accelerate or pursue enrichment activities while a unit is being taught.

9. Cooperative Learning - Divides responsibility for a learning activity by assigning different roles that build on pupil strengths.

10. Adjusting Questions - Targeting questions to the readiness level, interest or learning profile of a pupil.



Acceleration

The Board also recognizes that there are a few highly capable pupils for whom curriculum modification and differentiated instruction are insufficient to fulfill academic potential. For these children, acceleration must be considered whereby a child may skip a grade. The factors considered in the decision to accelerate are:

1. Intellectual and academic profile;
2. Pupil disposition relative to the decision;
3. Social readiness; and
4. Parent support.

When a highly capable and motivated pupil is accelerated, the Principal will work with the classroom teacher and school psychologist to carefully monitor placement.

Summary

Currently, Essex Fells School District is a member of the Essex County Steering Committee for Gifted and Talented Education and plans to participate in various activities sponsored by this organization over the course of the school year. The Essex Fells Board of Education supports quality educational experiences for all pupils across the spectrum of ability, background and achievement. For pupils who demonstrate the potential for an exceptional level of ability, the Board supports differentiating curriculum and instruction to provide appropriate and challenging educational experiences. Such differentiation combines the strategies of enrichment and acceleration and provides flexibility and diversity.

Issued: 19 October 2011

R 2481 HOME OR OUT-OF-SCHOOL INSTRUCTION FOR GENERAL EDUCATION PUPILS

The Board of Education will provide instructional services to an enrolled general education pupil at the pupil's home or other suitable out-of-school setting pursuant to N.J.A.C. 6A:16-10.2.

A. Conditions For Providing Instructional Services – N.J.A.C. 6A:16-10.2(a)

1. The pupil is mandated by State law and rule for placement in an alternative education program for violations of N.J.A.C. 6A:16-5.5 and 5.6 but placement is not immediately available;

2. The pupil is placed on short-term or long-term suspension from participation in the general education program pursuant to N.J.A.C. 6A:16-7.2 and 7.3; or

3. A court order requires the pupil receive instructional services in the home or other out-of-school setting.

B. Providing Services

1. The school district shall provide services no later than five school days after the pupil has left the general education program.

2. The school district in which the pupil resides shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly or through contract with another Board of Education, Educational Services Commission, Jointure Commission or approved clinic or agency.

C. Standards For Home or Out-Of–School Instruction

1. The Superintendent or designee shall coordinate the development of an Individualized Program Plan (IPP) for delivery of instruction and maintain a record of delivery of instructional services and pupil progress.

   a. For a pupil expected to be on home instruction for thirty calendar days or more, the IPP shall be developed within thirty calendar days after placement;

(1) For a pupil on short-term suspension from the general education program pursuant to N.J.A.C. 6A:16-7.2, development of an IPP is not required.

(2) For a pupil on long-term suspension from the general education program pursuant to N.J.A.C. 6A:16-7.3, the IPP shall be developed within thirty days following a determination by the school district.

b. The IPP shall be based upon consultation with the pupil's parent(s) or legal guardian(s) and a multi-disciplinary team of professionals with appropriate instructional and educational services credentials to assess the educational, behavioral, emotional, social, and health needs of the pupil and recommend a program to address both educational and behavioral goals;

c. The IPP shall incorporate any prior findings and actions recommended through the school building system of Intervention and Referral Services, pursuant to N.J.A.C. 6A:16-8, Intervention and Referral Services;

d. The IPP shall recommend placement in an appropriate educational program, including supports for transition back to the general education setting; and

e. The Superintendent or designee shall review the pupil's progress, consult with the pupil's parent(s) or legal guardian(s), and coordinate the revision of the IPP no less than every sixty calendar days.

2. The teacher providing instruction shall be appropriately certified for the subject and grade level of the pupil pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards.

3. The teacher shall provide one-on-one instruction for no fewer than ten hours per week on three separate days of the week and no fewer than ten hours per week of additional guided learning experiences that may include the use of technology to provide audio and visual connections to the pupil's classroom.

a. If home instruction is provided to pupils in a small group rather than through one-on-one instruction, direct instruction, that may include guided learning experiences, shall be provided for no fewer than twenty hours per week provided on no fewer than three separate days during the week and the pupil to teacher ratio shall not exceed 10:1.

4. The instruction shall meet the Core Curriculum Content Standards in accordance with N.J.A.C. 6A:8 and the district's requirements for promotion and graduation.

5. If instruction is delivered in the pupil's home, a parent(s) or legal guardian(s) or other adult twenty-one years of age or older who has been designated by the parent(s) or legal guardian(s) shall be present during all periods of home instruction.

6. Refusal or failure by a parent(s) or legal guardian(s) to participate in the development and revision of the pupil's IPP as required or to be present in the home as required in 5. above may be deemed a violation of compulsory education laws, pursuant to N.J.S.A. 18A:38-25 through 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq.

D. Record Keeping

1. The Superintendent or designee shall maintain a summary record concerning pupils receiving home or out-of-school instruction because they could not be placed in the setting recommended as most appropriate in the pupils' IPPs.

a. The summary record shall provide information concerning the number of pupils categorized by age, grade and gender, the number of weeks on home instruction before placement in the recommended setting, and the reasons for delay.

b. The Superintendent shall provide the summary report annually to the County Superintendent of Schools.

Issued: 19 October 2011



R 2510 ADOPTION OF TEXTBOOKS

A. Definition

A "textbook" is the principal source of instructional material for any given course of study, in whatever form the material may be presented, which is available to or distributed to every pupil enrolled in the course of study.

B. Textbook Selection Committee

1. A textbook selection committee(s) will be named annually by the Principal.

2. The Principal will appoint to the committee no fewer than three teaching staff members, who represent a range of interests and backgrounds.

3. The Principal will chair the committee.

4. If the Board so approves, members of the textbook selection committees may be given compensation during the summer months for the work of reviewing potential textbook selections.

C. Recommendation Procedures

1. Any teaching staff member may request the textbook selection committee's consideration of a possible textbook.

2. The textbook selection committee will investigate current textbooks on the market.

3. A textbook recommended for screening should be read and examined by each of the textbook selection committee members or, in a departmentalized school, by the appropriate subject area representatives. The committee members should have examined, wherever possible, at least three other books similar in nature to the textbook recommended for adoption.

4. Each textbook selection committee member should submit to the chairperson a written evaluation of the textbook.

5. The committee chairperson will also read and examine each recommended textbook.

6. The committee chairperson or the person initiating the request for consideration will prepare an evaluation report for submission to the Superintendent.

7. The Superintendent will forward the recommendation to the Board. He/She may first convene the textbook selection committee or confer with the chairman of the committee to discuss the evaluation report and the merits of the recommended textbook.

D. Review of Textbooks Currently In Use

1. Each textbook that has been in use in the district for five years or more will be evaluated annually by the textbook selection committee for its continuing usefulness. In addition, any teaching staff member may recommend the review of a textbook currently in use and used for less than five years.

2. The textbook selection committee will consider:

   a. The length of service of the current textbook,

   b. The copyright date,

   c. The average condition of the textbooks currently in use,

   d. The cost of replacements,

   e. The merits of the textbook in the light of the standards by which new textbooks are measured, and

   f. If review has been especially requested, the reason for the request.

3. A recommendation to retire a textbook will be forwarded to the Superintendent with a full report of the committee's findings. Any such recommendation should be accompanied by the committee's suggestion for a replacement textbook.

E. Standards of Review

In the review of any suggested textbook, the textbook selection committee shall consider:

1. The reliability and reputation for scholarship of its author and publisher;

2. Whether the content of the textbook

a. Relates to the course of study in which it will be used,

b. Can be read and understood by the pupils for which its use is intended,

c. Is accurate and up to date,

d. Clearly distinguishes fact from opinion,

e. Is well organized and presented,

f. Includes helpful and thoughtfully prepared indexes, graphic materials, references, bibliographies, glossaries, and appendices, and

g. Is biased.

3. The ways in which a proposed textbook improves on the book it replaces;

4. Whether the proposed textbook's binding, paper, and typeface are appropriate and durable;

5. The cost and probable life of the proposed textbook;

6. Whether the presentation of any controversial subject is objective and suitable to the maturity of the pupils for whose use the book is intended;

7. The experience other schools and/or districts may have had with the use of the proposed textbook; and

8. The textbook's compliance with the district's affirmative action plan for school and classroom practices, as set forth in Policy No. 2260.

Issued: 19 October 2011

R 2520 INSTRUCTIONAL SUPPLIES

A. Definition

"Supplies" are the consumable materials distributed to teachers and students for the successful implementation of the instructional program.

B. Supply Procedures

1. Each staff member will be able to request supplies by submitting a request to the Principal or designee.

2. Supplies will be kept in a secure location. The Principal or designee will be responsible to approve the request of supplies for their school and staff.

3. The staff member's request will be retained by the staff member and the Principal or designee.

4. At the end of each school year, a record of the inventory of supplies retained by the staff member shall be reported by the staff member to the Principal or designee.

5. The Principal will encourage all staff members to suggest additional supplies and/or replacements for the supplies used.

C. Cost of Supplies

Supplies will be made available without charge to all students, except in the following circumstances:

1. Where non-reusable clothing or personal equipment, such as gym outfits, is required for the safety, health, or the protection of school property, students will be requested to provide their own clothing or equipment. The Principal may require that such clothing or equipment meet school standards and may recommend a suitable vendor for the clothing or equipment.

2. Where a student enrolled in a class or activity in which an item is made, such as woodshop or home economics, chooses to prepare and keep a useful item, the student may be required to pay the costs of the materials used. Students shall always be given the option of preparing an item for use by the school,

for which no charge will be made. Any charge made under this regulation will be presented in writing by the teacher with a copy to the Principal or designee and the moneys collected will be deposited with the Business Office.

3. Students may be required to provide supplies for their participation in co-curricular activities.

4. A student who is eligible for free and reduced rate meals will not be required to pay for any supplies, including those exempted from free distribution in paragraph C.1., 2., and 3. above.

5. Staff members shall report to the Principal or designee any student who is suspected of being unable to pay for supplies.

Issued: 16 August 2023

R 2530 RESOURCE MATERIALS

A. Definition

"Resource materials" means all those sources of information for the use of students that have not been designated as textbooks and generally must be shared by individual students. Resource materials include, but are not limited to, reference materials; fiction and nonfiction books; maps; audio and audio-visual materials; pamphlets; periodicals; pictures; online references; other supplementary titles; and other sources of information for use by students that are not designated as textbooks. Resource materials are not library material as defined in N.J.S.A. 18A:34A-3 and Policy and Regulation 2535.

B. Selection Process

1. The teaching staff member shall submit written requests for new resource materials to the Principal or designee in the teaching staff member's school building. Each written request should include:

   a. The name and originator of the resource material;

   b. The publisher or distributor;

   c. A brief description of the resource material; and

   d. The reason for the request, including the relevance of the resource material to the instructional program;

2. All written requests will be forwarded to the Superintendent or designee for consideration; and

3. The Superintendent or designee shall evaluate each written request against the selection standards as outlined in C. below and the amount budgeted for resource materials in the current or succeeding school year, as appropriate.

4. The Superintendent or designee will develop a list of recommended purchases. The list may include multiple copies of resource materials when a high level of interest and need is anticipated.

C. Selection Standards

Standards to be applied in the selection of resource materials are those set forth below:

1. Resource materials will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served.

2. Wherever appropriate, resource materials will provide major opposing views on controversial issues so that students may develop, under guidance, the practice of critical reading and thinking.

3. Wherever appropriate, resource materials will include the basic tenets of multiculturalism in accordance with N.J.A.C. 6A:7-1.7.

4. Resource materials will be factually accurate, as appropriate, and of genuine literary or artistic value.

5. Resource materials will be of a quality and durability appropriate to their intended uses.

6. Resource materials will relate to, support, and enrich the curriculum adopted by the Board of Education.

7. Resource materials will support the New Jersey Student Learning Standards.

D. Periodic Removal of Resource Materials

1. The Superintendent or designee shall conduct a periodic review of resource materials for their:

   a. Continuing usefulness;

   b. Relevance to the curriculum and the New Jersey Student Learning Standards;

   c. Representation of the needs and interests of all grade levels, subject areas, and departments; and

   d. Balance of content, types of resource materials, and manner of presentation.



2. Standard resource materials subject to frequent use that are worn or missing should be replaced periodically.

3. Outdated resource materials and resource materials no longer relevant to the curriculum may be withdrawn from the collection on Board of Education approval.

4. Any request by an individual for the removal of resource materials will be governed by Policy and Regulation 9130.

Issued: 25 February 2026



R 2531 USE OF COPYRIGHTED MATERIALS

A. Literary Material

1. A single copy may be made of any of the following by or for a teacher at his/her individual request for scholarly research or for use in teaching or in preparation for teaching a class:

   a. A chapter from a book;

   b. An article from a periodical or newspaper;

   c. A short story, short essay or short poem; whether or not from a collective work; or

   d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

2. Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that:

   a. Each copy includes a notice of copyright; and

   b. The material copied is brief and the copying is spontaneous and noncumulative as measured by the following definitions of brevity, spontaneity, and noncumulative effect.

      (1) Brevity: A reproduced work is brief if it consists of the following:

         (a) Poetry: Not more than a complete poem if fewer than 250 words and if printed on not more than two pages or an excerpt from a longer poem if the excerpt is not more than 250 words. These numerical limits may be expanded to permit completion of an unfinished line of poetry.

(b) Prose: Not more than a complete article, story, or essay of fewer than 2,500 words; or an excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less, but in any event a minimum of 500 words. These numerical limits may be expanded to permit completion of an unfinished prose paragraph.

(c) Illustration: Not more than one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

(d) Special Works: Certain works in poetry, prose or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience often fall short of 2,500 words in their entirety. Paragraph 2b(1)(b) above notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof may be reproduced.

(2) Spontaneity: Reproduction of a copyrighted work is spontaneous if:

(a) The copying is at the instance and inspiration of the individual teacher; and

(b) The inspiration and decision to use the work and the moment of its use of maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission to use the work.

(3) Noncumulative Effect: Reproduction of a copyrighted work is noncumulative if:

(a) The copying of the material is for only one course in the school in which the copies are made;



(b) Not more than one short poem, article, story, essay or two excerpts has been copied from the same author or more than three from the same collective work or periodical volume during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals;

(c) There have been no more than nine instances of such multiple copying for one course during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals.

3. Notwithstanding any of the above, the following prohibitions shall be in effect:

a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately;

b. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. Consumable works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like material;

c. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; or be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term;

d. No charge shall be made to the pupil for the copied material.

B. Televised Material

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a retention period of forty-five calendar days after the date of the recording; at the expiration of the retention period the recording must be erased or destroyed.

2. An off-air recording may be used once by individual teachers in the course of relevant teaching activities and may be repeated once only when instructional reinforcement is necessary, in the classroom or similar place of instruction or the home of a pupil receiving home instruction, during the first ten school days in the

retention period. After the first ten school days, an off-air recording may be used during the remainder of the retention period only to permit teachers to evaluate its effectiveness in the instructional period.

3. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

5. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

C. Pre-recorded Video

The use of commercially pre-recorded video (such as video cassettes and DVD disks rented by commercial enterprises) may be used for instructional purposes without the purchase of a public performance license. Such tapes shall not be used in school situations in violation of the copyright laws which prohibit use for reward or entertainment or in other school activities. The use of such materials for these purposes in the school shall be considered a public performance and require:

1. A blanket license for showing the pre-recorded video obtained from the Motion Picture Licensing Corporation (MPLC) or other group authorized to license the pre-recorded material.

2. A specific license for the showing of a pre-recorded video not covered by a blanket license.

The use of non-commercially pre-recorded video shall require the written permission of the producer of the video prior to its use for other than instructional purposes.

If the requested license or permission has not been obtained, the material shall not be shown in the school.



D. Music

1. The following uses of copies of copyrighted music are permissible.

a. Emergency copies of printed music may be made to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies are substituted in due course.

b. For academic purposes other than performance:

(1) Multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than ten percent of the work. The number of copies shall not exceed one copy per pupil.

(2) A single copy of an entire performable unit (section, movement, aria, etc.) that is

(a) Confirmed by the copyright proprietor to be out of print, or

(b) Unavailable except in a larger work, may be made by or for a teacher solely for the purpose of scholarly research or in preparation to teach a class.

c. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

d. A single copy of recordings of performances by pupils may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

e. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by the school district or by an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the district or the teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)



2. The following uses of copies of copyrighted music are prohibited.

   a. Copying to create or replace or substitute for anthologies, compilations, or collective works;

   b. Copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets, and like material;

   c. Copying for the purpose of performance, except as permitted in paragraph C1a;

   d. Copying for the purpose of substituting for the purchase of music, except as permitted in paragraph C1a and paragraph C1b; and

   e. Copying without inclusion of the copyright notice that appears on the printed copy.

E. Computer Software and the Internet

1. A software program shall not be copied onto a blank disk except as expressly permitted by the program itself.

2. An archival disk may be made as a back-up program disk. The archival disk shall be used only when the original software disk has been mistakenly damaged or destroyed and may not be used for any other purpose.

3. Software shall not be loaded into more than one computer at any one time, unless a site license has been purchased to permit loading multiple computers.

4. Copyrighted materials shall not be downloaded from the Internet without the express permission of the author and the payment of any required fees.

F. Obtaining Permission for Copying

1. A teacher may request and obtain permission to copy material from a copyrighted work; the teacher may then use the work as expressly permitted and will not be bound by the limitations and prohibitions set forth above.



2. Request for permission must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include:

   a. The title, author or editor, and edition of materials for which permission is sought;

   b. The exact material to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material;

   c. The number of copies the requestor proposes to make;

   d. The use to be made of the duplicated materials;

   e. The form of distribution;

   f. Whether or not the copies will be sold; and

   g. The process by which the material will be reproduced.

3. A copy of the written permission granted by the publisher or copyright owner shall be preserved by the teacher who may be required to present the written permission to the Principal or designee.

4. Teachers shall inform pupils on the limitations of the use of copyrighted material.

Issued: 19 October 2011

R 2535 LIBRARY MATERIAL

Any individual with a vested interest requesting to have library material removed from a school library in the district shall follow the grievance procedure outlined below in accordance with the provisions of N.J.S.A. 18A:34A-5.

A. Definitions – N.J.S.A. 18A:34A-3

1. For the purpose of Policy 2535 and this Regulation:

a. "Board of Education" means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.

b. "Censorship" means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.

c. "Diverse and inclusive material" means any material that reflects any protected class as enumerated in the "Law Against Discrimination," N.J.S.A. 10:5-1 et seq.; material produced by an author who is a member of a protected class as enumerated in the "Law Against Discrimination," N.J.S.A. 10:5-1 et seq.; and material that contains the author's points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.

d. "Individual with a vested interest" means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.

e. "Library material" means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and

instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.

f. "School library staff member" means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

B. The following procedure shall be adhered to any time an individual with a vested interest submits a complaint requesting removal of library material from any of the district's school libraries.

1. Complaints about library material shall be made on a request for removal form and submitted to the Principal of the school building in which the library material is challenged to initiate a review of the material.

2. The individual with a vested interest shall complete and sign a request for removal form available in the Principal's office. The request for removal form shall include:

a. The title, author, and publisher of the library material at issue;

b. Sections of the library material to which the individual with a vested interest objects; and

c. An explanation of the reasons for the objection.

3. Within five working days of the receipt of the request for removal form, the Principal or designee shall forward the request for removal to the Superintendent.

4. Upon receipt of the request for removal form, the Superintendent or designee shall appoint a review committee consisting of:

a. The Superintendent or designee;

b. The Principal or designee of the school in which the library material is challenged;

c. The school library media specialist or a school library staff member;

d. A representative selected by the Board of Education;

e. At least one grade-appropriate teacher familiar with the library material, provided the teacher selected is not the individual who submitted the request for removal form;

f. A parent of a student enrolled in the school district, provided the parent selected is not the individual who submitted the request for removal form;

g. If appropriate, and at the discretion of the Superintendent, in cases where a student enrolled in the district in grades nine through twelve filed the request for removal form, a student enrolled in the district in grades nine through twelve may volunteer to serve on the review committee if that student did not file the request for removal form. The Superintendent shall consult with the Principal of the school involved in the removal request in making this determination; and

h. Any additional members the Superintendent or designee deem necessary.

5. The challenged library material shall remain within the school library and available for a student to reserve, check out, or access until there is a final decision reached by the Board of Education pursuant to N.J.S.A. 18A:34A-5.b.(5) and B.7. below.

6. The review committee members shall evaluate the request for removal form and review the challenged library material in its entirety. The review committee shall meet to discuss the library material and concerns raised and make a recommendation on whether the challenged library material should be removed from circulation, retained, or limited in use. The review committee shall submit its written report with recommendations to the Board of Education no later than sixty school days from the date of the next regularly scheduled Board of Education meeting after receipt of the request for removal form:

   a. A copy of the review committee's report shall also be provided to the individual with a vested interest who filed the request for removal form and the Principal who received the request for removal form.

7. The Board of Education shall review the review committee's report and make a final determination on whether the library material is to be removed from

the school library or limited in use. The Board of Education shall provide a written statement of reasons for:

a. The removal, limitation, or non-removal of a library material; and

b. Any final determination that is contrary to the recommendations of the review committee.

8. The written statement of reasons shall be posted on the Board of Education's website in a prominent and easily accessible location within thirty days of the determination.

9. All decisions on whether to remove from circulation, retain, or limit in use library material shall be based on the library material as a whole, not isolated passages.

10. All request for removal forms and outcomes shall be maintained in accordance with other similar records in the district.

11. Library material that has been challenged pursuant N.J.S.A. 18A:34A-5.b.(1) through 18A:34A-5.b.(5), Policy 2535, and this Regulation shall not be subject to challenge for at least one year in accordance with N.J.S.A. 18A:34A-5.b.(6).

12. The district may consolidate requests for removal of the same challenged library material in accordance with N.J.S.A. 18A:34A-5.b.(7).

13. The Board of Education's determination issued in accordance with N.J.S.A. 18A:34A-5, Policy 2535, and this Regulation which denies a request for removal shall not constitute a controversy or dispute pursuant to N.J.S.A. 18A:6-9. However, an individual with a vested interest, as defined in N.J.S.A. 18A:34A-3, may file a petition of appeal of the Board of Education's final determination to remove library material to the Commissioner of Education through the Office of Controversies and Disputes in accordance with N.J.S.A. 18A:6-9 and the procedures set forth in State Board of Education regulations.

14. Nothing in N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation.



15. A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6.

Adopted: 25 February 2026

R 2560 LIVE ANIMALS IN SCHOOL

A. Standards for Use

1. A teacher or other qualified adult supervisor must assume primary responsibility for the purposes and conditions of any study, activity, or performance that involves live animals in school.

2. Each study involving live animals will have as a clearly defined objective the teaching of some biological principle(s).

3. All animals used must be lawfully acquired in accordance with State and local laws, be healthy and free from transmissible diseases, and must have been vaccinated against rabies if susceptible. Proof of vaccination must be provided to the Principal or designee before the live animal is brought into the school building.

4. Animals may be handled only by the responsible adult supervisor and the pupil(s) directly involved in the study or performance.

5. Animals must be properly fed and provided with sanitary cage quarters.

6. When animals are kept on school grounds or in a school building over vacation periods, adequate housing must be provided and a qualified caretaker must be assigned the specific duties of care and feeding.

7. Teachers of pupils pursuing investigations at other than regular class periods while in school as part of a school assignment or project (such as a school science fair) will be bound by these regulations.

8. The Principal or designee must approve a live animal being brought into the school building and the use of any animal in a course of instruction or the establishment of an animal habitat in a classroom.

9. The Principal or designee will make a determination that no pupil in a class where the animal will be housed is allergic to the animal and would suffer an adverse reaction to the animal. The Principal or designee should also attempt to determine if any other pupil in the school building could suffer an adverse reaction. If the Principal or designee determines that there is a pupil(s) who would suffer an adverse reaction, the Principal or designee shall deny approval to have the animal in the school.

B. Injury to Persons

The following steps will be followed in the event a pupil, staff member, or visitor to school is bitten or scratched by an animal in school. The teaching staff member or adult supervisor in charge will:

1. Take immediate and prudent steps to prevent further injury;

2. Follow Regulation No. 8441 for The Care of Injured and Ill Persons; and

3. Capture and impound the animal, pending a determination of the Board of Health regarding any further action.

Issued: 19 October 2011

R 2624 GRADING SYSTEM

A. Purpose of Grading

1. The purpose of grading is to assist pupils in the process of learning; all grading systems will be subject to continual review and revision to that end.

2. Grades acknowledge a pupil's demonstrated proficiency in the New Jersey Student Learning Standards and locally established learning goals and objectives:

a. Active participation in and attention to daily lessons,

b. Frequent contribution to discussions,

c. Prompt, thorough, accurate, and neat preparation of assignments,

d. Thorough preparation and performance on tests and assessments,

e. Display of an eagerness to learn and an inquisitive approach to lessons,

f. Attention to the need for proper materials,

g. Cooperation with the teacher's efforts, and

h. Willingness to work to the best of his/her ability and to do more than the minimum expected.

B. Preparation for Grading

1. Each pupil must be informed of the behavior and achievements expected of him/her at the outset of each course of study or unit of study.

2. Each pupil must be kept informed of his/her progress during the course of a unit of study. Pupils who so request are entitled to see the grades resulting from their performance during the grading period.

3. Each method of grading shall be appropriate to the course of study and the maturity and abilities of the pupils.

4. Pupils should be encouraged to evaluate their own achievements.

5. The process of review and revision will involve teaching staff members, parent(s) or legal guardian(s), and, as appropriate, pupils.

C. Grading Periods

1. Grades will be awarded at the end of three marking periods in each school year.

2. Pupils will be given notice of their mid-term grades at mid-point of each marking period.

3. Pupils will be given a final grade in each subject at the end of the school year.

4. Grades will be recorded on report cards for parent(s) or legal guardian(s) notification in accordance with Policy No. 5420 and Regulation No. 5420.

D. Basis for Grading

The teacher responsible for assigning a grade should take into consideration the pupil's:

1. Completion of written assignments prepared in the classroom or elsewhere;

2. Oral contributions in class, including discussion responses, observations, panel participation, presentations, initiation of topics;

3. Performance on oral and written tests and quizzes;

4. Research into standard references and other background materials;

5. Oral and written reports on materials read by the pupil;

6. Laboratory work;

7. Term papers;

8. Special oral or written reports;

9. Other evidences of the pupil's constructive efforts and achievements in learning; and

10. For the final grade, the pupil's attendance record, in accordance with Policy Nos. 5200, 5410, and 5460.



E. Meaning of Grades

1. The following grades will be given in each academic subject at the end of each marking period in grades 3-6:

   a. A grade of A indicates superior performance. It may be given to a pupil whose achievement is significantly above grade level; whose work achieves a quality and quantity that consistently excels; and who demonstrates a high degree of initiative, application, and purpose.

   b. A grade of B indicates above average performance. It should be given to a pupil whose achievement is above grade level; whose work frequently excels; and who generally demonstrates strength in the subject.

   c. A grade of C indicates average performance. It should be given to a pupil whose achievement in most areas of the subject are average; whose work is acceptable; and who demonstrates a satisfactory degree of proficiency.

   d. A grade of D indicates below average performance. It should be given to a pupil whose achievement in the subject is barely passing; whose work is the minimum acceptable for credit; and who demonstrates only weak proficiencies in the subject.

   e. A grade of F indicates failing performance and that no credit can be given for the subject. It should be given to a pupil who has not met the minimum requirements of the course; who has demonstrated an inability or unwillingness to master the basic elements of the course; or who has failed to meet the minimum attendance standards necessary to pass a course of study.

   f. Letter grades may be modified by plus or minus signs.

   g. A district-wide rubric will be utilized to indicate grades within the learning/social behavior, work/study habits and social emotional development domains.

2. The following grading scales and indicators shall be used:

   Grades Kindergarten, 1 and 2

   Academic Evaluation Key

1 = Independent

2 = Developing appropriate understanding of concept/skills
3 = Requires support and practice
4 = Area of Concern

Academic Evaluation Key

A+ (98-100)
A (94-97)
A- (90-93)
B+ (87-89)
B (83-86)
B- (80-82)
C+ (77-79)
C (73-76)
C- (70-72)
D+ (67-69)
D (63-66)
D- (60-62)
F/I Incomplete (60 or below)

F. Grade Validation

In order that he/she may justify a grade, each teacher is directed to retain in his/her possession the following records to validate grades awarded to pupils. The records should be kept for a minimum of six years after the end of the school year in which the grades were awarded.

1. The daily attendance and tardiness record;

2. All grades earned for classroom activities such as quizzes, tests, reports, and class recitations;

3. All grades earned for activities conducted elsewhere, such as homework assignments and term papers;

4. Any notation regarding the meaning of each grade and its relation to the type of activity or material covered;

5. Any notation of discussions with the pupil on a grade or the pupil's cumulative grade average;

6. Any referrals for guidance, discipline, and the like; and

7. Any notations recording communications between the teacher and the parent(s) or legal guardian(s), the Principal, or other teaching staff members.

G. Appeal

1. Each teacher is responsible for the determination of the grade a pupil receives for participation in the teacher's course of study.

2. Each teacher may be required to furnish reasons, supported by evidence (see paragraph E above) to substantiate any grade earned.

3. If a grade is challenged by a pupil or a parent(s) or legal guardian(s), the teacher will convene a conference and will explain the grading system and the reasons for the final grade.

4. If the parent(s) or legal guardian(s) or pupil is not satisfied by the teacher's explanations, he/she may appeal the grade to the Principal, who will consult with the teacher and the pupil in an attempt to resolve the dispute. The Principal will give every reasonable deference to the teacher's professional judgment.

5. If the Principal determines that the grade should be changed, he/she will alter the grade on all records and indicate by whose authority the grade has been changed.

6. No reprisals will be taken in any form against a teacher who remains determined in his/her belief that the grade originally given is fair and correct. A meeting with the parents, teachers, and administration will occur to review any alterations made to grades and/or report cards.

Issued: 6 September 2023

R 2622 STUDENT ASSESSMENT

A. Statewide Assessment System – N.J.A.C. 6A:8-4.1

1. The school district shall, according to a schedule prescribed by the Commissioner of Education, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight; the high school assessment component; and the alternative State assessment for students with disabilities; and provide notification to each student entering grades three through twelve of the Statewide assessment schedule.

2. Pursuant to N.J.A.C. 6A:8-4.1(c), all students at grade levels three through twelve, and at any other grade(s) designated by the Commissioner of Education pursuant to N.J.A.C. 6A:8-4.1(a), shall take all appropriate Statewide assessments as scheduled.

a. The school district shall provide all appropriate accommodations or modifications to the Statewide assessment system as specified by the New Jersey Department of Education (NJDOE) for English language learners (ELLs) and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as specified in a student's Individualized Education Program (IEP) or 504 plan in accordance with N.J.A.C. 6A:8-4.1(d)1.

(1) The school district may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.

(2) The school district shall have the option for a first-year ELL of substituting a NJDOE-approved language proficiency test only for the English language arts component of the Statewide assessment, when the student has entered the United States after June 1 of the calendar year prior to the test administration.

b. The school district shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.

c. At specific times prescribed by the Commissioner of Education, the school district shall administer the alternative State assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities in accordance with N.J.A.C. 6A:8-4.1(d)3.

d. The school district shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(a)6, (f), (g), (h), or (i), as applicable.

3. Test Administration Procedures and Security Measures

a. The school district shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district.

b. All Statewide assessments shall be administered in accordance with the NJDOE's required test administration procedures and security measures.

c. Any breach of such procedures or measures shall be immediately reported to the Superintendent or designee.

B. Documentation of Student Achievement – N.J.A.C. 6A:8-4.2

1. After each test administration, the NJDOE shall provide the Superintendent the following:

a. Rosters of student performance in each content area;

b. Individual student reports; and

c. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level.

(1) The school district summary data shall be aggregated and disaggregated, and school summary data shall be disaggregated, for students with disabilities as defined in N.J.A.C. 6A:14-1.3 and for ELLs.

2. The school district shall transmit within ten business days any official records, including transcripts, of students who transfer to other school districts or institutions.

3. The school district shall maintain an accurate record of each student's performance on Statewide assessments.

4. The school district shall maintain for every student a ninth grade through graduation transcript that contains the following, as available:

   a. Results of all applicable State assessments, including assessments that satisfy graduation requirements set forth at N.J.A.C. 6A:8-5.1(a)6;

   b. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(h);

   c. Evidence of instructional experience and performance in the New Jersey Student Learning Standards (NJSLS);

   d. Evidence of technological literacy;

   e. Evidence of career education instructional experiences and career development activities;

   f. Evidence of State-issued occupational licenses and credentials, industry-recognized occupational credentials, and/or technical skill assessments for students enrolled in NJDOE-approved career and technical education programs pursuant to N.J.A.C. 6A:19-3.2; and

   g. Any other information deemed appropriate by the school district.

C. Accountability – N.J.A.C. 6A:8-4.3

1. The Superintendent shall report final results of annual assessments to the Board and members of the public at a public meeting within sixty days of receipt of the information from the NJDOE.

2. The Superintendent shall provide educators, parents, and students with results of annual assessments as required under N.J.A.C. 6A:8-4.2(a) and B.1. above, within thirty days of receipt of information from the NJDOE.

3. The school district shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.

4. All students shall be expected to demonstrate the knowledge and skills of the NJSLS as measured by the Statewide assessment system.

D. Annual Review and Evaluation of School Districts – N.J.A.C. 6A:8-4.4

1. The NJDOE shall review the performance of schools and school districts by using a percent of students performing at the proficient level as one measure of annual measurable objective (AMO) and incorporating a progress criterion indicative of systemic reform.

   a. The review shall include the performance of all students, including students with disabilities as defined by N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and ELLs.

   b. The review shall take place at each grade level in which Statewide assessments are administered, using the AMO targets.

E. Public Reporting – N.J.A.C. 6A:8-4.5

1. In accordance with the requirements of N.J.A.C. 6A:8-4.5, the NJDOE shall report annually to the New Jersey State Board of Education and the public on the progress of all students and student subgroups in meeting the NJSLS as measured by the Statewide assessment system by publishing and distributing the NJDOE's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.

2. After each test administration, the NJDOE shall report to the Board on the performance of all students and of student subgroups.

F. Parental Notification

Parents shall be informed of the school district assessment system and of any special tests that are to be administered to their children.

REGULATION

ESSEX FELLS
BOARD OF EDUCATION

Adopted: 2 March 2022



R 3000 TEACHING STAFF MEMBERS

Number	Title
R 3126	Induction Program for Provisional Teachers
R 3142	Nonrenewal of Nontenured Teaching Staff Member
R 3144	Certification of Tenure Charges
R 3146	Conduct of Reduction in Force
R 3160	Physical Examination (M)
R 3211.3	Consulting Outside the District
R 3212	Attendance
R 3218	Substance Abuse (M)
R 3221	Evaluation of Nontenured Teaching Staff Members (M)
R 3222	Evaluation of Tenured Teaching Staff Members (M)
R 3223.1	Evaluation of Nontenured Administrators (M)
R 3223.2	Evaluation of Tenured Administrators (M)
R 3230	Outside Activities
R 3232	Tutorial Services
R 3232.1	Home Services
R 3233	Political Activities
R 3240	Professional Development
R 3244	In-service Training (M)
R 3270	Lesson Plans and Plan Books
R 3280	Liability for Pupil Welfare
R 3281	Inappropriate Staff Conduct
R 3321	Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members
R 3425.1	Modified Duty Early Return To Work Program - Teaching Staff Members
R 3432	Sick Leave

R 3126 INDUCTION PROGRAM FOR PROVISIONAL TEACHERS

The Board of Education is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9-8.4.

A. Definitions

1. "Certificate of Eligibility or CE" means a credential with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in positions requiring certification.

2. "Certificate of Eligibility with Advanced Standing or (CEAS) means a credential with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and traditional professional preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.

3. "Mentor teacher" means a New Jersey certified experienced teacher who is assigned to provide support and guidance to a novice teacher.

4. "Novice teacher" means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate.

5. "Professional Development Committee" means the local district committee established by the Board of Education pursuant to N.J.A.C. 6A:9-15.3(d) to plan and implement local district professional development programs.

6. "Professional Standards for Teachers" means the knowledge, skills, and dispositions that all new teachers must acquire and describes what all teachers should know and be able to do.

B. State-Approved District Training Program

1. The State-approved district training program shall provide essential knowledge and skills through the following training:

   a. On-going mentoring of the provisional teacher shall take place over a period of thirty weeks or proportionally longer if the provisional teacher holds a part-time teaching position in accordance with the district's mentor plan pursuant to N.J.A.C. 6A:9-8.4 and in accordance with the Professional Standards for Teachers.

b. The Building Principal or an appropriately certified school administrative designee shall observe and formally evaluate the provisional teacher in accordance with N.J.A.C. 6A:9-8.6 and 8.7.

c. Except for d. and e. below, a minimum of two hundred hours of formal instruction in professional education aligned with the Professional Standards for Teachers shall be completed by the provisional teacher concurrently with the requirements of a. and b. above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(c).

d. For provisional teachers who are holders of a career and technical education CE, a minimum of two hundred hours of formal instruction in a State-approved career and technical education professional education program that is aligned with the Professional Standards for Teachers and that includes the essential knowledge and skills regarding the delivery of career and technical education programs shall be completed concurrently with the requirements of a. and b. above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(b). The effective date of this requirement shall be February 1, 2010.

e. For provisional teachers who are holders of an elementary school (Kindergarten through grade five) endorsement, a minimum of two hundred ninety hours of formal instruction over no more than two years in a State-approved program of formal instruction that is aligned with the Professional Standards for Teachers shall be completed. This instruction must include in the first calendar year of a teacher's employment a minimum of forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level and a minimum of forty-five hours of study in teaching mathematics at the Kindergarten through grade five level. The effective date of this requirement shall be October 31, 2009. Provisional teachers holding an elementary school (Kindergarten to grade five) certificate of eligibility may be exempted from completing forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level as well as from completing forty-five hours of study in the teaching of mathematics at the Kindergarten through grade five level if:

(1) For each area of study, they have completed forty-five hours of study in that area within the three years prior to receiving their certificate of eligibility as documented by a New Jersey Department of Education approved alternate route regional training center or through equivalent coursework on the transcript of a regionally accredited four-year college or university; or

(2) For each area of study, they document the equivalent of at least one year of successful experience as a full-time teacher during which the subject area is regularly taught, among the other subjects for which a Kindergarten through grade five teacher would be responsible. This experience must take place within the three years prior to receiving their certificate of eligibility and documented by submitting a completed, original form provided by the Department of Education.

2. Districts or consortia of districts, in conjunction with a college or university, shall provide formal instruction to the provisional teachers they employ pursuant to B.1.d. above. The district or consortium shall submit a written plan for the department's approval. In the event that joint sponsorship with a college or university cannot be achieved, the department may authorize the district or consortium to provide the formal instruction independently or in joint sponsorship with a non-collegiate entity. The district or consortium's written plan shall include documentation of its efforts to secure college or university participation.

3. Districts unable to provide formal instruction to provisional teachers in their employ shall provide access to formal instruction through a network of department-authorized providers.

C. Requirements for Local Mentor Plan

1. A “novice teacher” means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate. All novice teachers are required to participate in a mentoring program that takes place over a period of thirty weeks for provisional teachers holding a CEAS and thirty-four weeks for provisional teachers holding a CE.

Provisional teachers shall participate for a proportionally longer period of time if in a part-time teaching position. The mentoring program shall be implemented by the mentor teacher, supervised by the school Principal, and conducted within the parameters of a school district's local mentor plan and the requirements of N.J.A.C. 6A:9-8.3.

a. In the event that no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional year of teaching in order to obtain standard certification shall be responsible for payment of mentoring fees during the provisional year.

b. All novice teachers whose positions require possession of instructional certificates in accordance with N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9-5.1(a) shall comply with the requirements of the district's mentoring plan.

2. Novice teachers in positions requiring the possession of instructional certificates shall comply with the provisions of N.J.A.C. 6A:9-8 and shall ensure the following:

a. The rigorous mentoring shall be provided to novice teachers by developing a local mentor plan in which experienced teachers give confidential support and guidance to novice teachers in accordance with the Professional Standards for Teachers;

b. That each novice teacher is assigned a mentor at the beginning of the contracted teaching assignment;

c. That the district's mentor plan includes in-person contact between the mentor teacher and the novice teacher over the course of thirty weeks or proportionally longer if the novice teacher holds a part-time teaching assignment;

d. That the Professional Development Committee established by the Board, pursuant to N.J.A.C. 6A:9-15.3(d), develops the district's mentor plan; and

e. That the Board of Education shall report annually the implementation of the district's mentor plan as required by the Department of Education.

3. The district's Professional Development Committee shall ensure the development of a district mentor plan as follows:

a. The district's Professional Development Committee shall develop a district mentor plan that includes:

(1) Goals that at a minimum enhance teacher knowledge of and strategies related to the CCCS in order to facilitate pupil achievement; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching;

and assist novice teachers in the performance of their duties and adjustment to the challenges of teaching;

(2) An application process for selecting mentor teachers;

(3) Criteria for mentor teacher selection;

(4) Provisions for comprehensive mentor training;

(5) Identification of mentor teacher responsibilities;

(6) Logistics for mentor plan implementation;

(7) Consideration of collaborative arrangements with colleges and universities;

(8) Provisions for the use of State funds; and

(9) An addendum with criteria and guidelines for the twenty-day clinical experience pursuant to N.J.A.C. 6A:9-8.3(b)1.

b. The Professional Development Committee shall submit the district's mentor plan to the Board of Education for initial approval.

c. The Professional Development Committee shall submit the addendum for the twenty-day clinical experience pursuant to N.J.A.C. 6A:9-8.3(b)1 to the Board of Education for initial approval and to the Executive County Superintendent for final approval.

d. After the mentor plan is reviewed, the Board shall submit the plan to the Executive County Superintendent for final review and approval. The Executive County Superintendent shall notify the Department of plan approval.

e. Every three years, the district's mentor plan shall be revised and re-submitted to the Executive County Superintendent based on program evaluation.

4. The Board of Education shall be responsible for the implementation of the district's mentor plan through the following:

a. The plan shall provide criteria for selection of mentor teachers. At a minimum, the criteria shall include the following:

(1) The Board may select a certified teacher with at least three years of experience who is actively teaching in the district to serve as a mentor teacher;

(2) The mentor teacher applicant is committed to the goals of the local mentor plan;

(3) The mentor teacher applicant has agreed to maintain the confidential nature of the mentor teacher/novice teacher relationship;

(4) The mentor teacher applicant has demonstrated exemplary command of content area knowledge and of pedagogy;

(5) The mentor teacher applicant is experienced and certified in the subject area in which the novice teacher is teaching, where possible;

(6) The mentor teacher applicant is knowledgeable about the social and workplace norms of the school district and the community the Board of Education serves;

(7) The mentor teacher applicant is knowledgeable about the resources and opportunities in the district and able to act as a referral source to the novice teacher;

(8) The mentor teacher applicant provides letters of recommendation as determined by the district mentor plan from those who are familiar with the mentor teacher applicant's work; and

(9) The mentor teacher applicant agrees to complete a comprehensive mentor training program.

b. Annually, the district shall submit a report on the effectiveness of the district's mentor plan to the Department of Education. The report, using data collected on a Department of Education developed form, shall include program impact on job satisfaction, adequacy of time and training, and recommended program changes and additions.

c. The district shall align the mentor plan with the Professional Standards for Teachers.

5. The Board of Education shall be responsible to budget any State funds appropriated for the novice teacher mentoring program.

a. Subject to the availability of funds, the department shall appropriate State funds based on the number of novice teachers employed each year in a given public school district.

b. The Board of Education shall ensure that State funds appropriated for this program shall supplement, and not supplant, any Federal, State, or local funds already devoted to planning and implementing a novice teacher mentor program.

c. The Board of Education shall ensure that State funds shall be used for one or more of the following:

(1) Stipends for mentor teachers;

(2) The costs associated with release time;

(3) Substitutes for mentor teachers and novice teachers; and

(4) Professional development and training activities related to the program.

D. Evaluation of Provisional Teachers

1. An appropriately certified Building Principal or administrative designee authorized to supervise instructional staff shall observe and evaluate the provisional teacher three times during the first year of mentoring for purposes of certification. All performance evaluations shall be aligned with the Professional Standards for Teachers as defined in N.J.A.C. 6A:9-3.3 and reported on State-developed forms. Performance evaluations for career and technical education teachers shall also include career and technical education knowledge and skills.

a. The first formative evaluation shall be completed at the end of ten weeks, or proportionally longer if the teacher is part-time, after the provisional teacher assumes full responsibility of a classroom.

b. The second formative evaluation shall be completed at the end of twenty weeks, or proportionally longer for part-time teachers, after the provisional teacher assumes full responsibility of a classroom.

c. The final summative evaluation shall be completed at the end of thirty weeks, or proportionally longer for part-time teachers, after the provisional teacher assumes full responsibility of a classroom. This final, summative

evaluation shall be completed by the Building Principal who shall make one of three recommendations for certification pursuant to N.J.A.C. 6A:9-8.7(b).

2. Within fifteen days following each evaluation, the evaluator pursuant to a. above shall provide a copy of the evaluation to the provisional teacher.

3. Mentor teachers shall not assess or evaluate the performance of provisional teachers. Interactions between provisional teachers and experienced mentor teachers are formative in nature and considered a matter of professional privilege. Mentor teachers shall not be compelled to offer testimony on the performance of provisional teachers.

E. Recommendation for Certification of Provisional Teachers

1. Within thirty days after the conclusion of the State-approved district training program, the Building Principal shall submit the final evaluation directly to the Secretary of the New Jersey State Board of Examiners that shall contain a recommendation regarding standard certification for each provisional teacher.

2. The final evaluation for each provisional teacher shall include one of the following recommendations:

a. Approved: Recommends issuance of a standard certificate;

b. Insufficient: Recommends that a standard certificate not be issued but that the candidate be permitted to seek entry on one more occasion into a State-approved district training program. A second rating of "insufficient" shall be deemed a "disapproved" in accord with c. below; or

c. Disapproved: Recommends that a standard certificate not be issued and that the candidate not be allowed to enter into another State-approved district training program.

3. Candidates who receive a recommendation of "disapproved" or two recommendations of "insufficient" may petition the Board of Examiners for approval of additional opportunities to seek provisional employment in districts other than those in which they received unfavorable recommendations pursuant to N.J.A.C. 6A:9-17.18.

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R 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with N.J.S.A. 18A:27-3.1, N.J.A.C. 6A:10-1.1 et seq., and the policies and procedures of this district.

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the school district, employment will not be offered to the nontenured teaching staff member for the succeeding school year.

2. On or before May 15 of each year, each nontenured teaching staff member continuously employed by a Board of Education since the preceding September 30 shall receive a written notice from the Superintendent that such employment will not be offered if the Superintendent recommends the nontenured teaching staff member not be renewed.

3. A recommendation by the Superintendent to not renew a nontenured teaching staff member's contract for the succeeding school year may be based upon the nontenured teaching staff member's observations, evaluations, job performance, or any factor affecting his/her employment in the school district.

4. A nontenured teaching staff member employment contract can be renewed only upon the Superintendent's recommendation and a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons.

C. Nonrenewal Action

1. Prior to notifying the nontenured teaching staff member of the nonrenewal, the Superintendent shall notify the Board of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board members of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation in a written notice to the Board prior to May 15 or in the

alternative, in executive session. If notification is provided to the Board in executive session, the Superintendent and the Board will meet in executive session prior to May 15 to review the Superintendent's recommendation(s).

a. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured teaching staff members whose possible nonrenewal will be discussed at the meeting. If any such nontenured teaching staff member requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation(s) and will be scheduled for discussion at a public meeting prior to May 15.

2. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board of Education vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member's contract.

D. Notice of Nonrenewal

1. The nonrenewal notice shall be provided to the nontenured teaching staff member not recommended for renewal by the Superintendent on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured teaching staff member's address of record.

E. Request for Statement of Reasons

1. Any nontenured teaching staff member receiving notice that a teaching contract for the succeeding school year will not be offered may, within fifteen calendar days thereafter, request in writing, a statement of the reasons for such non-employment which shall be given to the nontenured teaching staff member in writing within thirty calendar days after the receipt of such request.

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the

nontenured teaching staff member's observations and evaluations and the nontenured teaching staff member has been given a copy of those observations and evaluations, the statement of reasons may incorporate the observations and evaluations by reference.

3. The written statement of reasons will be prepared by the Superintendent.

F. Nonrenewal Appearance

1. Whenever the nontenured teaching staff member has requested in writing and received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, the nontenured teaching staff member may request in writing an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured teaching staff member's receipt of the Board's statement of reasons.

2. The informal appearance shall be scheduled within thirty calendar days from the nontenured teaching staff member's receipt of the Board's statement of reasons.

3. The Board will exercise discretion in determining a reasonable length of time for the proceeding, depending upon each instance's specific circumstances.

4. The proceeding of an informal appearance before the Board may be conducted in executive session pursuant to N.J.S.A. 10:4-12(b)(8). If conducted in executive session notice must be given in accordance with N.J.S.A. 10:4-13.

5. The Board shall provide the nontenured teaching staff member adequate written notice regarding the date and time of the informal appearance.

6. The nontenured teaching staff member's appearance before the Board shall not be an adversary proceeding. The purpose of the appearance shall be to provide the nontenured teaching staff member the opportunity to convince Board of Education members to offer reemployment.

7. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding.

8. The nontenured teaching staff member may be represented by an attorney or by one individual of his/her choosing. The nontenured teaching staff member may present, on his or her behalf, witnesses who do not need to present testimony under oath and shall not be cross-examined by the Board. Witnesses shall be called one at a time into the meeting to address the Board and shall be excused from the meeting after making their statements.

G. Final Determination

1. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment of the nontenured teaching staff member to the voting members of the Board. If the Superintendent recommends the nontenured teaching staff member for reemployment, the voting members of the Board must, by a majority vote of the full Board at a public session, approve or not approve the Superintendent's recommendation for reemployment.

2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured teaching staff member reemployment after the informal appearance before the Board.

3. Within three working days following the informal appearance, the Board shall notify the affected nontenured teaching staff member, in writing, of its final determination. The Board may delegate notification of its final determination to the Superintendent or Board Secretary.

Issued: 6 October 2021

R 3144 CERTIFICATION OF TENURE CHARGES

Filing of Written Charges and Certificate of Determination

A. Definition

1. For the purposes of Policy 3144 and this regulation, "day" means business day when the period specified is less than seven days, and calendar day when the period specified is seven days or more; provided however, that calculations do not include the day of the action from which they are computed but do not include the last day of the period being computed unless such day falls on a Saturday, Sunday or holiday, in which case the last day shall be deemed the next business day immediately following. Filings received after the close of business (4:15 p.m.) shall be deemed filed on the next business day.

B. Procedures and Timelines

1. In all instances of the filing and certification of tenure charges, other than for reasons of inefficiency, the following procedures and timelines shall be observed:

a. Charges shall be stated with specificity as to the action or behavior underlying the charges and shall be filed in writing with the Secretary of the Board of Education or the State District Superintendent, accompanied by a

supporting statement of evidence, both of which shall be executed under oath by the person or persons instituting such charges.

b. Charges along with the required sworn statement of evidence shall be transmitted to the affected tenured employee and the employee's representative, if known, within three working days of the date they were filed with the Secretary of the Board of Education or the State District Superintendent. Proof of mailing or hand delivery shall constitute proof of transmittal.

c. The affected tenured employee shall have an opportunity to submit to the Board of Education or the State District Superintendent a written statement of position and a written statement of evidence, both of which shall be executed under oath with respect thereto within fifteen days of receipt of the tenure charges.

d. Upon receipt of the tenured employee's written statements of position and evidence under oath, or upon expiration of the allotted fifteen-day time period, the Board of Education shall determine by a majority vote of its full membership, or the State District Superintendent shall determine, within forty-five days whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary.

e. The Board of Education or the State District Superintendent shall, within three working days, provide written notification of the determination to the employee against whom the charge has been made, in person or by certified mail to the last known address of the employee and the employee's representative, if known.

f. In the event the Board of Education or the State District Superintendent finds that such probable cause exists and the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall, within fifteen days, file such written charges with the Commissioner. The charges shall be stated with specificity as to the action or behavior underlying the charges and shall be accompanied by the required certificate of determination together with the name of the attorney who is anticipated for administrative purposes will be representing the Board or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall



be at the same time and in the same manner as the filing of charges with the Commissioner.

g. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting.

2. In the event the tenure charges are charges of inefficiency, except in the case of a Building Principal and Vice Principal in a school under full State intervention where procedures are governed by the provisions of N.J.S.A. 18A:7A-45 and such rules as may be promulgated to implement it, the following procedures and timelines shall be observed:

a. Initial charges of inefficiency shall be stated with specificity as to the nature of the inefficiency alleged and filed by the appropriate administrator with the Secretary of the Board of Education or the State District Superintendent along with a statement of evidence in support thereof executed under oath. In the event the charges are against the Chief School Administrator, they shall be filed, along with the required statement of evidence, by a designated Board member(s) upon the direction of the Board of Education as ascertained by majority vote of the full Board.

b. The Board of Education, through its Board Secretary, or the State District Superintendent, upon receipt of the charges of inefficiency and the written statement of evidence in support thereof shall cause a copy of same to be transmitted to the affected employee and the employee's representative, if known, within three working days. Proof of mailing or hand delivery shall constitute proof of transmittal.

c. The Board of Education, through its Board Secretary, or the State District Superintendent shall direct that the employee be informed in writing that, unless such inefficiencies are corrected within the minimal ninety-day period, or any longer period provided by the Board of Education or State District Superintendent, the Board or the State District Superintendent intends to certify those charges of inefficiency to the Commissioner pursuant to N.J.S.A. 18A:6-11.

d. Concurrent with notifying the employee of such charges of inefficiency, the Board of Education or the State District Superintendent shall direct that there be a modification of the individual professional development plan mandated by N.J.A.C. 6A:32-4.3 or 4.4, to assure that such plan addresses the specific charges of inefficiency and complies with the timelines established for correction.

e. Upon completion of the minimal ninety-day period for improvement, or such longer period as may be provided by the Board of Education or the State District Superintendent, the administrator(s) responsible for bringing such charges to the attention of the Board or the State District Superintendent shall notify the Board or the State District Superintendent in writing of what charges, if any, have not been corrected. In the event the charges are against a Chief School Administrator, the Board of Education shall determine by majority vote of the full Board what charges, if any, have not been corrected.

f. The Board of Education or the State District Superintendent, upon receipt of the written notification or upon the Board's determination in the case of a Chief School Administrator, shall notify the affected employee in writing that all of the inefficiencies have been corrected or, in the alternative, which of the inefficiencies have not been corrected. The time from the expiration of the minimal ninety-day period, or such longer period as may be provided by the Board of Education or the State District Superintendent, to the notification of the employee by the Board of Education or the State District Superintendent shall not exceed thirty calendar days.

g. In the event that certain charges of inefficiency have not been corrected, the affected employee shall have an opportunity to respond within fifteen days of the receipt of said notification of inefficiency by filing a statement of evidence under oath in opposition to those charges.

h. Upon receipt of such written statement of evidence under oath or upon expiration of the allotted fifteen-day time period, the Board of Education shall determine by a majority vote of its full membership, or the State District Superintendent shall determine, within forty-five days, whether there is probable cause to credit the evidence in support of the charges and that such charges, if credited, are sufficient to warrant a dismissal or reduction in salary.

i. In the event the Board of Education or the State District Superintendent finds that such probable cause exists and that the charges, if credited, are



sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall, within fifteen days, file such written charges with the Commissioner. The charge(s) shall be stated with specificity as to the nature of the inefficiency alleged, and shall be accompanied by the required certificate of determination together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.

j. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting.

3. The provisions of this section shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.

C. Format of Certificate of Determination

1. The certificate of determination which accompanies the written charges shall contain a certification by the Board of Education Secretary or the State District Superintendent:

a. That the Board of Education or the State District Superintendent has determined the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary;

b. Of the date, place, and time of the meeting at which such determination was made and whether or not the employee was suspended and, if so, whether such suspension was with or without pay;

c. That such determination was made by a majority vote of the full Board or by the State District Superintendent in accordance with N.J.S.A. 18A:7A-39; and

d. In the case of a charge of inefficiency, that the employee was given at least ninety days prior written notice of the nature and particulars of the alleged inefficiency.

2. The provisions of this section shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.



D. Filing and Service of Answer to Written Charges

1. An individual against whom tenure charges are certified shall have fifteen days from the date such charges are filed with the Commissioner to file a written response to the charges. Except as to the time for filing, the answer shall conform to the requirements of N.J.A.C. 6A:3-1.5(a) through (d).

   a. Consistent with N.J.A.C. 6A:3-1.5(g), nothing in N.J.A.C. 6A:3-5.3 precludes the filing of a motion to dismiss in lieu of an answer to the charges, provided that such motion is filed within the time allotted for the filing of an answer. Briefing on the motions shall be in the manner and within the time fixed by the Commissioner, or by the Administrative Law Judge (ALJ) if the motion is to be briefed following transmittal to the Office of Administrative Law (OAL).

2. Upon written application by the person against whom charges are filed, the Commissioner may extend the time period for the filing of an answer upon a finding of good cause shown consistent with the provisions of N.J.S.A. 18A:6-16. Such application shall be received prior to the expiration of the fifteen-day answer period, and a copy shall be served upon the charging Board of Education or the State District Superintendent. The Board of Education or State District Superintendent shall promptly notify the Commissioner of any opposition to the request.

   a. A request for extension which is not filed within the fifteen-day period allotted for answer to tenure charges will be considered only in the event of demonstrated emergency or other unforeseeable circumstance such that the request could not have been made within the requisite filing period.

3. Where no answer is filed within the requisite time period and no request for extension is made, or such request is denied by the Commissioner, or where the charged employee submits an answer or other responsive filing indicating the employee does not contest the charges, the charges shall be deemed admitted by the charged employee.

4. The provisions of this section shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.

E. Determination of Sufficiency and Transmittal for Hearing

1. Within fifteen days of receipt of the charged party's answer or expiration of the time for its filing, the Commissioner shall determine whether such charge(s) are

sufficient, if true, to warrant dismissal or reduction in salary. Where the charges are determined insufficient, they shall be dismissed and the parties shall be notified accordingly. Where the charges are determined sufficient, the matter shall, within ten days of such determination, be transmitted to the OAL for further proceedings, unless the Commissioner retains the matter pursuant to N.J.A.C. 6A:3-1.11 or 1.12.

a. A notice of transmittal shall be issued to the parties by the Department of Education on the same date as the matter is transmitted to the OAL.

2. Where a party to a tenure matter so requests, the Commissioner may agree to hold the matter in abeyance at any time prior to transmittal to the OAL. Thereafter, requests to hold the matter in abeyance shall be directed to the OAL Clerk or the ALJ in accordance with the rules of the OAL. Any request for abeyance, whether directed to the Commissioner or the OAL, shall be consistent with the intent of N.J.S.A. 18A:6-16 as amended by P.L. 1998, c.42.

F. Withdrawal, Settlement, or Mooting of Tenure Charges

1. Once tenure charges are certified to the Commissioner, such charges may be withdrawn or settled only with the Commissioner's approval. Any proposed withdrawal or settlement, whether submitted to the Commissioner or to the ALJ, shall address the following standards established by the State Board of Education in the matter entitled *In re Cardonick*, State Board decision of April 6, 1983 (1990 *School Law Decisions* (*S.L.D.*) 842, 846):

a. Accompaniment by documentation as to the nature of the charges;

b. Explication of the circumstances justifying settlement or withdrawal;

c. Consent of both the charged and charging parties;

d. Indication that the charged party entered into the agreement with a full understanding of his or her rights;

e. A showing that the agreement is in the public interest; and

f. Where the charged party is a teaching staff member, a showing that the teaching staff member has been advised of the Commissioner's duty to refer

tenure determinations resulting in loss of position to the State Board of Examiners for possible suspension or revocation of certificate.

2. A settlement agreement shall not propose terms that would restrict access to information or records deemed public by law or result in misrepresentation of the reason for an employee's separation from service. Where tenure charges have been certified to the Commissioner by a Board of Education, any proposed settlement shall indicate, by signature of the Board Attorney or inclusion of a Board of Education resolution authorizing settlement, that the Board of Education has consented to the terms of the settlement.

3. A proposed withdrawal or settlement of tenure charges shall be submitted to the Commissioner prior to transmittal of such charges to the OAL; thereafter, it shall be submitted to the ALJ in accordance with applicable rules of the OAL.

4. Where tenure proceedings against a teaching staff member are concluded prior to adjudication because the charged party has unilaterally resigned or retired, the Commissioner may refer the matter to the State Board of Examiners for action against the charged party's certificate as it deems appropriate, when such referral is warranted under the provisions governing resignation or retirement prior to conclusion of tenure charges as set forth in N.J.A.C. 6A:9-17.4.

5. Where a proposed settlement requires the tenured employee to relinquish a certificate issued by the State Board of Examiners, upon approval of the settlement agreement, the Commissioner shall forward the matter to the State Board of Examiners for proceedings in accordance with N.J.A.C. 6A:9-17.11.



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R 3146 CONDUCT OF REDUCTION IN FORCE

A. Seniority Lists

In order to determine the teaching staff member(s) affected by a reduction in force, a seniority list will be prepared for each seniority category. The Superintendent's office will

1. Determine the category or categories of employment in which each teaching staff member has served by reference to positions held and qualifying certification.

2. Determine whether the member has earned tenure in the district and in the position in which the category falls, in accordance with N.J.S.A. 18A:28-6. Tenure is earned in the positions of Assistant Superintendent, School Business Administrator, Principal, Assistant Principal, Vice Principal, supervisor, educational services personnel, school nurse, and teacher.

3. Calculate length of service in each category within a tenure position in which the employee has earned tenure.

   a. Length of service may be expressed in calendar months and days or in calendar years and portions of years, to two decimal places.

   b. Length of service commences from the day on which the employee began service in the category and ends with the end of the current school year or, in the case of previously riffed employees, the day on which the employee's district service was terminated.

4. Deduct from time of service in the category any periods of unpaid absence taken for any purpose other than study or research, except that the first thirty days,

consecutive and aggregate, of such unpaid absence taken within any one school year will not be deducted.

5. Add periods of prior active military service, to a maximum of four years, to the member's length of service in the first category of district employment. Each full year of military service equals one year of seniority; a fraction of a year, ten months or longer, equals one year of seniority for a ten month employee.

6. Enter the total amount of service for the member's initial category of employment.

7. If the member has been transferred to a second category or successive categories, calculate the service time of each category in accordance with A1 through A4 and enter separately.

   a. Service in succeeding categories is included in the member's seniority in each earlier category.

   b. Each seniority list must clearly indicate the category or categories in which the member has earned seniority and the total accrued time in each.

B. RIF Procedures

1. Determine the category or categories of employment to be reduced in number in a reduction in force.

2. Transfer or dismiss nontenured teaching staff members in the reduced category, in accordance with Policy No. 3146.

3. If no nontenured member remains in the category, the least senior tenured member shall be transferred to a previous seniority category in the same tenure position over a nontenured member or a less senior member in that category.

4. If there are no positions within his/her seniority categories in the same tenure position to which the member may be transferred, the member shall be transferred to a position outside his/her seniority categories but within the same tenure position, provided the member is appropriately certified for the position and the position is held by a nontenured employee.

5. If there are no positions to which he/she can be transferred by right of seniority or tenure in the same tenure position, the member shall revert in reverse chronological order to each seniority category and tenure position in which he/she was previously employed in the district, in accordance with the procedure set forth in B3 through B4 above.



6. When there are no positions which the tenured member affected by a reduction in staff can claim over other tenured employees by superior seniority or over nontenured employees by tenure, he/she shall be dismissed, shall receive sixty days notice of such dismissal or pay in lieu thereof, and shall be placed on a preferred eligible list for each category in which he/she was employed by the district.

Issued: 19 October 2011

R 3160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant. Physical examination includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

   a. A health history shall include, but is not limited to, the candidate's:

      (1) Past serious illnesses and injuries;

      (2) Current health problems;

(3) Allergies; and

(4) A record of immunizations.

b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure;

(6) Vision screening;

C. Medical Requirements Upon Employment

1. The Board will follow the current New Jersey Department of Health Guidance for Tuberculosis (TB) Testing in New Jersey Schools.

2. An individual teaching staff member may provide health-status information, including medications, that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the teaching staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency pursuant to N.J.A.C. 6A:32-6.3(c).

D. Health Records

1. Health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files in accordance with N.J.A.C. 6A:32-6.3(d).

2. Health records shall be the property of the Board and may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5 and N.J.A.C. 6A:32-6.3(d).

E. Teaching Staff Member Physical Examinations and Medical Updates

1. Teaching staff member physicals, examinations, and/or annual medical updates shall not require disclosure of HIV status.

Adopted: 18 September 2024

R 3211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that teaching staff members will have expertise and knowledge in areas that other school districts, agencies, private business organizations and other entities may desire. Recognizing that the school district will request the expertise from teaching staff members from other school districts, agencies, private business organizations and other entities the Board supports sharing of its teaching staff members with other school districts and agencies to the extent it does not interfere with the efficient operation of the school district.

A. Definitions

1. Agency - A public or private agency requesting the services of the school district's teaching staff member.

2. Other school districts - A school district other than the school district that employs the teaching staff member, including all supervisory and administrative personnel.

3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.

4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the teaching staff member, except out-of-pocket expenses.

5. Staff member - A contracted member of the school district's teaching staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The teaching staff member or the agency requesting the expertise and knowledge of the teaching staff member must submit a written request to the Superintendent or designee. The written request must include the following:

   a. The date(s) the teaching staff member will be away from the district;

   b. The time of day the teaching staff member's will be away from the school district;

   c. Any out-of-pocket costs to the school district;

d. Any reimbursements that the teaching staff member is entitled to from the other school district or agency;

e. The specific services requested of the teaching staff member; and

f. The location where the services will be provided.

2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the teaching staff member's attendance record and the impact of the teaching staff member being out of the school district for the requested time.

3. The Superintendent or designee will determine and recommend each request on a case by case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.

4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.

5. The Board's approval of the Superintendent's recommendation will permit the teaching staff member's consulting activity attendance and the teaching staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the teaching staff member if the request is approved by the Board.

C. Reporting Activities

The teaching staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

Issued: 19 October 2011

R 3212 ATTENDANCE

A. Review of Attendance Data

1. A record shall be kept of the attendance of each teaching staff member, including teachers; educational services personnel; administrators; and other certificated staff members. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, bereavement leave, and any other leaves of absences taken by the teaching staff member. The teaching staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent or by Policy and Regulation 1642.01. The teaching staff member's rate of absence shall be calculated at least once per school year and entered on the teaching staff member's attendance record. A teaching staff member's attendance record shall be part of the teaching staff member's personnel file.

2. A cumulative attendance record shall be assembled for each school in the school district and also for the school district as required by the New Jersey Department of Education.

3. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for each school in the district and also for the school district.

B. Attendance Reporting and Improvement Plan

1. Planning

a. Each absence of a teaching staff member shall be reported by the teaching staff member in accordance with the school district's procedure.

b. The absence of a teaching staff member shall be provided to the teaching staff member's Principal or supervisor designated by the Superintendent, as appropriate, who shall determine if a substitute or replacement is required for the period of the absence.

c. A report of such absences shall also be provided to the Superintendent or designee.

d. The Principal or supervisor designated by the Superintendent shall determine if an absence requires further verification. Reasons for further verification may include, but are not limited to, the following:

(1) A pattern of absences on the same day(s) of the week;

(2) A pattern of absences before or after nonworking days;

(3) The habitual exhaustion of personal leave.

e. The Superintendent or designee will meet with Principals and supervisors to discuss attendance records of teaching staff members. The attendance records shall be analyzed for patterns of absences, such as excessive absenteeism in a given department, school, or work place in the school district, among certain groups of teaching staff members, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absences shall be developed.

2. Implementation

a. The Superintendent or designee or the teaching staff member's Principal or supervisor designated by the Superintendent shall be responsible for implementing a plan for the improvement of teaching staff member attendance.

b. The teaching staff member's Principal or supervisor designated by the Superintendent shall encourage the regular attendance of teaching staff members in their workplace, school, or department. The teaching staff member's Principal or supervisor designated by the Superintendent shall maintain contact with absent employees and may confer with teaching staff members who return from an absence of any duration.

c. The Superintendent shall direct Principals and supervisors designated by the Superintendent to incorporate a teaching staff member's attendance record in the teaching staff member's evaluation.

d. The teaching staff member's Principal or supervisor designated by the Superintendent shall report to the Superintendent or designee any teaching staff member whom the Principal or supervisor designated by the Superintendent suspects of misusing sick leave or falsifying the reasons for an absence.

3. Counseling

a. The Superintendent, Principal, or supervisor designated by the Superintendent may schedule a conference with a teaching staff member where the number and/or pattern of the teaching staff member's absences or the reasons offered for the teaching staff member's absences may indicate a concern.

b. Prior to the giving of any admonition, reprimand, or imposition of discipline of any kind, the Superintendent, Principal, or supervisor designated by the Superintendent shall determine the nature of the absences and consider any extenuating circumstances.

c. A written report of any attendance conference shall be prepared and retained with the teaching staff member's evaluations. The teaching staff member shall be permitted to examine the report and affix their comments, if any, to evaluation reports.

C. Record of Attendance

1. A record shall be kept of the attendance of all teaching staff members, including supervisors. Any absence, for part or all of a school day, shall be recorded with the reason for the absence. A teaching staff member's attendance record shall be part of the teaching staff member's personnel file.

2. The record will distinguish sick leave; professional days; unpaid leaves of absences; personal leave; bereavement leave; and any other leaves taken by the teaching staff member. The teaching staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent, Policy 1642.01, or any other law or Board policy.

3. A teaching staff member's rate of absence shall be calculated at least once per school year and entered on the teaching staff member's attendance record.

4. At the end of each school year, the Superintendent of Schools, Principals, and teaching staff members' supervisors designated by the Superintendent will review attendance records for teaching staff members.

D. Attendance Improvement Plan

1. The attendance record prepared for teaching staff members shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.

2. Specific strategies for reducing the rate of absences shall be developed.

3. The Superintendent shall designate an administrator or supervisor to be responsible for implementing the approved plan for the improvement of teaching staff member attendance in the school district and in schools in the district.

4. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any teaching staff member's performance.

E. In-Service Training

1. The teaching staff member's Principal or supervisor designated by the Superintendent shall meet with teaching staff members at the beginning of each school year to:

a. Inform teaching staff members of Board policy and district regulations on attendance;

b. Familiarize employees with the procedures to be used in requesting, reporting, and verifying absences; and

c. Acquaint teaching staff members with the degree to which attendance will affect evaluation reports.

Issued: 13 December 2023

R 3218 SUBSTANCE ABUSE

Procedures

A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance.

1. The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the Building Principal, the school physician (school medical inspector), or the school nurse.

2. The school physician (school medical inspector) or the school nurse shall notify the Building Principal upon receiving any such report(s). The Principal will notify the Superintendent of any such report(s). The Principal and Superintendent, and school nurse when appropriate, will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.

3. The Principal or school nurse, as determined by the Superintendent, shall discuss the suspected behavior with the employee as to the extent of the problem. The Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.

4. If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.

   If necessary, an immediate leave of absence may be granted to the employee by the Superintendent. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the Superintendent.

B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:

1. The staff member shall encourage the employee to seek help.

2. Report the concern about the potential substance abuse problem to the Building Principal.

3. The school physician or the school nurse must report the substance abuse problem to the Principal. The Principal will then follow paragraph C2 of this regulation.

C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:

1. Whenever it appears to any teaching staff member, school nurse, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the Principal, the school physician, or the school nurse.

2. The school physician or school nurse shall notify the Superintendent/Principal when they receive a report. The Superintendent/Principal shall:

a. Arrange for the immediate examination of the employee by the school doctor or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the doctor or emergency room by a member of the school staff designated by the Building Principal and/or the Superintendent/Principal.

b. A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within twenty-four hours of the initial report made by the Superintendent/Principal.

c. The employee shall not be permitted to resume work until he/she has submitted to the Superintendent/Principal a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.

d. If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the Superintendent/Principal.

e. If the report indicates a positive diagnosis, the following sanctions apply:

First offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted within one week after the third counseling session. A warning letter from the Superintendent/Principal will be placed in the employee's personnel folder.

Second offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

Third offense: Provided the employee is not dismissed, the employee must enroll in a certified rehabilitation program. A letter must be sent to the Superintendent/Principal at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.

Fourth offense: Provided the employee is not dismissed, the employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.

g. If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.

3. If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the Superintendent/Principal immediately, or in his/her absence, his/her designee. The Superintendent/Principal or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.

D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes.

1. A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.

2. If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.

3. Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action. He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.

E. Any school staff member(s) who in good faith reports an employee to the Superintendent/Principal or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

N.J.S.A. 2C:33-15 et seq.
N.J.S.A. 24:21-2 et seq.
42 C.F.R. II
34 CFR 85.600 et seq.
20 U.S.C.A. 1145g, 3224a
41 U.S.C.A. 701 et seq.

Issued: 19 October 2011

R 3221 EVALUATION OF TEACHERS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3221 unless the context clearly indicates otherwise:

"Announced observation" means an observation in which the person conducting an observation for the purpose of evaluation will notify the teacher of the date and the class period the observation will be conducted.

"Annual performance report" means a written appraisal of the teacher's performance prepared by the teacher's designated supervisor based on the evaluation rubric for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teacher's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

"Calibration" in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

"Chief School Administrator" means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

"Commissioner" means Commissioner of the New Jersey Department of Education.

"Co-observation" means two or more supervisors who are trained on the practice instrument who observe simultaneously, or at alternate times, the same lesson or portion of a lesson for the purpose of training.

"Corrective Action Plan" means a written plan developed by the designated supervisor in collaboration with the teacher to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teacher and the school district for

implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

"Department" means the New Jersey Department of Education.

"Designated supervisor" means the supervisor designated by the Superintendent of Schools or designee as the teacher's supervisor.

"District Evaluation Advisory Committee" means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

"Educator practice instrument" means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the teacher practice instrument are components of the teacher's evaluation rubric and the scores are included in the summative evaluation rating for the individual. The scores from educator practice instruments may be applied to the teacher's summative evaluation rating in a manner determined by the school district.

"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual's evaluation rubric.

"Evaluation rubric" means a set of criteria, measures, and processes used to evaluate all teachers in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instrument, and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

"Indicators of student progress and growth" means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" is as defined in N.J.S.A. 18A:6-119.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

"Observation" means a method of collecting data on the performance of a teacher's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teacher for the purpose of evaluation to discuss the data collected in the observation.

"Scoring guide" means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

"Semester" means half of the school year.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Student growth objective" means an academic goal that teachers and designated supervisors set for groups of students.

"Student growth percentile" means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student's test scores have changed relative to other students Statewide with similar scores in previous years.

"Superintendent" means Superintendent of Schools or Chief School Administrator.

"Supervisor" means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a

supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-12.

"Teacher" means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.

"Unannounced observation" means an observation in which the person conducting an observation for the purpose of evaluation will not notify the teacher of the date or time the observation will be conducted.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e**.** or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teachers – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for teachers. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.

2. The evaluation rubrics for teachers shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, § 17c).

3. Evaluation rubrics shall be submitted to the Commissioner by August 1 for approval by August 15 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2



1. The Board of Education shall meet the following requirements for the annual evaluation of teachers, unless otherwise specified:

   a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;

   b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):

      (1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to teachers who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to teachers who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

   c. Ensure the Superintendent annually notifies all teachers of the adopted evaluation policies and procedures no later than October 1. If a teacher is hired after October 1, the Board/Superintendent shall notify the teacher of the policies and procedures at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures within ten teacher working days of adoption;

   d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;

   e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

   f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or



evidence from observations for the purpose of evaluation and student growth objective data; and

g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teacher for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.

2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teachers and, when applicable, applying the Commissioner-approved educator practice instrument:

a. Annually provide training on and descriptions of each component of the evaluation rubric for all teachers who are being evaluated in the school district and provide more thorough training for any teacher who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instrument;

b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate teachers for the first time. Training shall be provided on each component of the evaluated teacher's evaluation rubric before the evaluation of a teacher;

c. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete at least two co-observations during the school year.

(1) Co-observers shall use the co-observation to promote accuracy and consistency in scoring.

(2) A co-observation may count as one required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and

4.4, but the co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor.

d. The Superintendent shall annually certify to the Department that all supervisors of teachers in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.

2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.

3. A District Evaluation Advisory Committee is not required and the Board of Education shall have the discretion to establish a District Evaluation Advisory Committee.

G. Evaluation Procedures for Teachers – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3221 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teachers.

2. Evaluation policies and procedures requiring the annual evaluation of all teachers shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

a. Roles and responsibilities for implementation of evaluation policies and procedures;

b. Job descriptions, evaluation rubrics for teachers, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;

c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;

d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;

e. Process for developing and scoring student growth objectives;

f. The process for preparation of individual professional development plans; and

g. The process for preparation of an annual performance report by the teacher's designated supervisor and an annual summary conference between the teacher and his or her designated supervisor.

3. The annual summary conference between designated supervisors and teachers shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:

a. The performance of the teacher based upon the job description and the scores or evidence compiled using the teacher's evaluation rubric, including, when applicable:

(1) The educator's practice instrument; and

(2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.

b. The progress of the teacher toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and

c. The preliminary annual performance report.

4. If any scores for the teacher's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual performance report shall be prepared by the teacher's designated supervisor and shall include, but not be limited to:

   a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4;

   b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teacher's evaluation rubric; and

   c. The teacher's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

6. The teacher and the designated supervisor shall sign the report within five teacher working days of the review.

7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teacher's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Teachers – N.J.A.C. 6A:10-2.5

1. For each teacher rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teacher and the teacher's designated supervisor. If the teacher does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.

2. The corrective action plan shall be developed and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation except:

   a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five teacher working days following the school district's receipt of the teacher's summative rating.

3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:

   a. Address areas in need of improvement identified in the teacher evaluation rubric;

   b. Include specific, demonstrable goals for improvement;

   c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and

   d. Include timelines for meeting the goal(s).

4. The teacher's designated supervisor and the teacher on a corrective action plan shall discuss the teacher's progress toward the goals outlined in the corrective action plan during each required post-observation conference, pursuant to N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-4.4. The teacher and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teacher's progress, position, or role.

5. Progress toward the teacher's goals outlined in the corrective action plan:

   a. Shall be documented in the teacher's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teacher on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teacher's progress toward his or her corrective action plan goals; and

b. May be used as evidence in the teacher's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

6. Responsibilities of the evaluated teacher on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teacher's designated supervisor.

7. The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation as required by N.J.S.A. 18A:6-120.c. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.

8. The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 4.4(a).

9. Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, tenured teachers with a corrective action plan shall be observed by multiple observers for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4(c)4.

10. The corrective action plan shall remain in effect until the teacher receives his or her next summative evaluation rating.

11. There shall be no minimum number of teacher working days a teacher's corrective action plan can be in place.

I. School Improvement Panel – N.J.A.C. 6A:10-3 et seq.

1. School Improvement Panel Membership – N.J.A.C. 6A:10-3.1

a. The School Improvement Panel shall include the Principal, a Vice Principal, and a teacher who is chosen in accordance with b. below by the Principal in consultation with the majority representative. If an Assistant Principal or Vice Principal is not available to serve on the panel, the

Principal shall appoint an additional member who is employed in the district in a supervisory role and capacity, in accordance with N.J.S.A. 18A:6-120.a. The Principal may appoint additional members to the School Improvement Panel as long as all

members meet the criteria outlined in this section and N.J.S.A. 18A:6-120.a**.** and the teacher(s) on the panel represents at least one-third of its total membership.

b. The Principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:

(1) The teacher member shall be a person with a demonstrated record of success in the classroom. A demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.

(2) The majority representative, in accordance with a. above, may submit to the Principal, teacher member nominees for consideration.

(3) The Principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.

c. The teacher member shall serve a full school year, except in case of illness or authorized leave, but may not be appointed more than three consecutive school years.

d. All members of the School Improvement Panel shall be chosen by August 31 of each year.

2. School Improvement Panel Responsibilities – N.J.A.C. 6A:10-3.2

a. The School Improvement Panel shall:

(1) Oversee the mentoring of teachers according to N.J.A.C. 6A:9C-5.3(a)2**.** and support the implementation of the school district mentoring plan;

(2) Conduct evaluations of teachers pursuant to N.J.A.C. 6A:10-2.4 and 4.4;

(3) Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5; and ensure mid-year

evaluations are conducted for teachers who are on a corrective action plan; and

(4) Identify professional development opportunities for all teachers based on the review of aggregate school-level data, including, but not limited to, teacher evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-4.2.

b. To conduct observations for the purpose of evaluation, the teacher member shall have:

(1) Agreement of the majority representative;

(2) An appropriate supervisory certificate; and

(3) Approval of the Principal who supervises the teacher being observed.

c. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor under N.J.A.C. 6A:9C-5.2(a)3.

J. Components of Teacher Evaluation Rubric – N.J.A.C. 6A:10-4.1

1. The components of the teacher evaluation rubric described in N.J.A.C. 6A:10-4.1 et seq. shall apply to teachers holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.

2. Evaluation rubrics for all teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:

a. Measures of student achievement pursuant to N.J.A.C. 6A:10-4.2; and

b. Measures of teacher practice pursuant to N.J.A.C. 6A:10-4.3 and 4.4.

3. To earn a summative rating, a teacher shall have a student achievement score, including median student growth percentile and/or student growth objectives(s) scores, and a teacher practice score pursuant to N.J.A.C. 6A:10-4.4.

4. Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:

   a. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least thirty percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.

   b. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least fifteen percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.

   c. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least fifty percent and no more than eighty-five percent of a teacher's evaluation rubric rating as determined by the Department.

5. Standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.

K. Student Achievement Components – N.J.A.C. 6A:10-4.2

1. Measures of student achievement shall be used to determine impact on student learning. The student achievement measure shall include the following components:

   a. If the teacher meets the requirements of 2. below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in 4. below; and

b. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to the New Jersey Student Learning Standards (NJSLS), and based on growth and/or achievement.

(1) For teachers who teach subjects or grades not covered by the NJSLS, student growth objective(s) shall align to standards adopted or endorsed, as applicable, by the State Board.

2. The median student growth percentile shall be included in the annual summative rating of a teacher who:

a. Teaches at least one course or group within a course that falls within a standardized-tested grade or subject. The Department shall maintain on its website a course listing of all standardized-tested grades and subjects for which student growth percentile can be calculated pursuant to 4. below;

b. Teaches the course or group within the course for at least sixty percent of the time from the beginning of the course to the day of the standardized assessment; and

c. Has at least twenty individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least twenty individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the school year of the evaluation. Only student growth percentile scores from school year 2013-2014 or any school year after shall be used to determine median student growth percentiles.

3. The Department shall periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores.

4. The Department shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:

a. The Board of Education shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and



b. The Department then shall report to the employing district Board of Education the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.

5. Student growth objectives for teachers shall be developed and measured according to the following procedures:

a. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. By August 31 prior to the school year the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range.

b. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective.

c. Each teacher shall develop, in consultation with his or her supervisor or a Principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the Principal shall make the final determination.

d. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within twenty-five teacher working days of the teacher's start date if the teacher begins work after October 1.

e. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the Superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15.

(1) If the Student Growth Objective (SGO) covers only the second semester of the school year, or if the teacher begins work after

October 1, adjustments shall be recorded before the mid-point of the second semester.

f. The teacher's designated supervisor shall approve each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.

L. Teacher Practice Components – N.J.A.C. 6A:10-4.3

1. The teacher practice component rating shall be based on the measurement of the teacher's performance according to the school district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement.

M. Teacher Observations – N.J.A.C. 6A:10-4.4

1. For the purpose of teacher evaluation, observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b**.**(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).

2. Observation conferences shall include the following procedures:

a. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A

post-observation conference shall occur no more than fifteen teacher working days following each observation.

b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness. Within a school year, the post observation conference shall be held prior to the occurrence of further observations for the purpose of evaluation.

c. If agreed to by the teacher, one required post-observation conference and any pre-observation conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted by written communication, including electronic.

d. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required fifteen teacher working days following the observation for the purpose of evaluation.

e. A pre-observation conference, when required, shall occur at least one but not more than seven teacher working days prior to the observation.

3. Each teacher shall be observed as described in N.J.A.C. 6A:10-4.4. For all teachers, at least one of the required observations shall be announced and preceded by a pre-observation conference, and at least one of the required observations shall be unannounced. The Superintendent shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

a. Each observation required for the purpose of evaluation shall be conducted for at least twenty minutes.

b. Nontenured teachers shall be observed at least three times each school year, but not less than once each semester. The observations shall be conducted in accordance with the timeframe set forth in N.J.S.A. 18A:27-3.1.

(1) Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor.

c. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.

(1) If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department of Education shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with N.J.A.C. 6A:10-4.4.



d. Teachers on a corrective action plan shall receive, in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.

e. Upon receiving a final summative evaluation that necessitates a corrective action plan, in accordance with N.J.A.C. 6A:10-2.5(a), any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized.

f. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.

g. The teacher shall submit his or her written objection(s) of the evaluation within ten teacher working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

4. To earn a teacher practice score, a nontenured teacher shall receive at least three observations.

a. If a nontenured teacher is present for less than forty percent of the total student school days in a school year, he or she shall receive at least two observations to earn a teacher practice score.

N. Teacher Practice Instrument – N.J.A.C. 6A:10-7.2

1. The teacher practice instrument approved by the Department shall meet the following criteria:

a. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;

b. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:

(1) Clearly define the expectations for each rating category;

(2) Provide a conversion to four rating categories;

(3) Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and



(4) Use clear and precise language that facilitates common understanding among teachers and administrators.

c. Rely on, to the extent possible, specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and

d. Include descriptions of specific training and implementation details required for the instrument to be effective.

Adopted: 6 October 2021

R 3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS (M)

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3222 unless the context clearly indicates otherwise:

"Annual performance report" means a written appraisal of the teaching staff member's performance prepared by the teaching staff member's designated supervisor based on the evaluation rubric for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of educator practice and student performance, if applicable, and includes all measures captured in a teaching staff member's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

"Chief School Administrator" means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

"Commissioner" means Commissioner of the New Jersey Department of Education.

"Corrective Action Plan" means a written plan developed by the designated supervisor in collaboration with the teaching staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff member and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

"Department" means the New Jersey Department of Education.

"Designated supervisor" means the supervisor designated by the Superintendent of Schools or designee as the teaching staff member's supervisor.

"District Evaluation Advisory Committee" means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

"Educator practice instrument" means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the teaching staff member's summative evaluation rating in a manner determined by the school district.

"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual's evaluation rubric.

"Evaluation rubric" means a set of criteria, measures, and processes used to evaluate all teaching staff members in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

"Indicators of student progress and growth" means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" is as defined in N.J.S.A. 18A:6-119.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

"Observation" means a method of collecting data on the performance of a teaching staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating

and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

"Scoring guide" means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

"Semester" means half of the school year.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Student growth objective" means an academic goal that teaching staff members and designated supervisors set for groups of students.

"Superintendent" means Superintendent of Schools or Chief School Administrator.

"Supervisor" means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-12.

"Teaching staff member" for the purposes of Policy 3222 and this Regulation, includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and other teaching staff members working under an educational services certificate and does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, Directors and/or Supervisors.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et



seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e**.** or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teaching Staff Members – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.

2. Evaluation rubrics shall be submitted to the Commissioner by August 1 for approval by August 15 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teaching staff members, unless otherwise specified:

a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;

b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the

evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):

(1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

c. Ensure the Superintendent annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a teaching staff member is hired after October 1, the Board/Superintendent shall notify the teaching staff member of the policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures within ten teaching staff member working days of adoption;

d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;

e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and

g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teaching staff

member for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4, and N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b.(8); and N.J.S.A. 18A:27-

3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.

2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:

   a. Annually provide training on and descriptions of each component of the evaluation rubric for all teaching staff members who are being evaluated in the school district and provide more thorough training for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;

   b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member; and

   c. The Superintendent shall annually certify to the Department that all supervisors of teaching staff members in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations,

including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.

2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.

3. A District Evaluation Advisory Committee is not required and the Board of Education shall have the discretion to establish a District Evaluation Advisory Committee.

G. Evaluation Procedures for Teaching Staff Members – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3222 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teaching staff members.

2. Evaluation policies and procedures requiring the annual evaluation of all teaching staff members shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

a. Roles and responsibilities for implementation of evaluation policies and procedures;

b. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;

c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;

d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;

e. Process for developing and scoring student growth objectives;

f. The process for preparation of individual professional development plans; and

g. The process for preparation of an annual performance report by the teaching staff member's designated supervisor, and an annual summary conference between the teaching staff member and his or her designated supervisor.

3. The annual summary conference between the designated supervisor and the teaching staff member shall be held before the annual performance report is filed.

The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:

a. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including, when applicable:

(1) The educator's practice instrument; and

(2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.

b. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and

c. The preliminary annual performance report.

4. If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual performance report shall be prepared by the teaching staff member's designated supervisor and shall include, but not be limited to:

a. A summative rating based on the evaluation rubric;

b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric; and

c. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

6. The teaching staff member and the designated supervisor shall sign the report within five teaching staff member working days of the review.

7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel



file or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Teaching Staff Members – N.J.A.C. 6A:10-2.5

1. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor. If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.

2. The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation, except:

   a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the

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teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:

   a. Address areas in need of improvement identified in the teaching staff member evaluation rubric;

   b. Include specific, demonstrable goals for improvement;

   c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and

   d. Include timelines for meeting the goal(s).

4. The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each required post-observation conference. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.

5. Progress toward the teaching staff member's goals outlined in the corrective action plan:

   a. Shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals; and

   b. May be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

6. Responsibilities of the evaluated teaching staff member on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated supervisor.

7. The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.

8. There shall be no minimum number of teaching staff member working days a teacher's corrective action plan can be in place.

I. Required Observations for Teaching Staff Members – N.J.A.C. 6A:10-6.2

1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, Principals, Vice Principals, and Assistant Principals. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:

   a. Be at least twenty minutes in length;

b. Be followed within fifteen teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;

c. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and

d. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within ten teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

2. All tenured teaching staff members shall receive at least one observation per school year.

3. All nontenured teaching staff members shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.

a. The required observations and evaluations for nontenured teaching staff members shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three observations and evaluations must have been completed prior to April 30.

b. The number of required observations and evaluations for nontenured teaching staff members may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year.

4. Evaluations for tenured teaching staff shall be completed prior to June 30.

Adopted: 6 October 2021



4. Copies of the Individual Performance Development Plan will be placed in the teaching staff member's annual performance report and given to the teaching staff member. The degree to which the teaching staff member achieved the requirements of the previous plan will be a measure of the staff member's annual performance evaluation.

5. It is the duty of the teaching staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

REGULATION

ESSEX FELLS
BOARD OF EDUCATION

Adopted: 19 October 2011



R 3223.1 EVALUATION OF NONTENURED ADMINISTRATORS

The observation and evaluation of nontenured administrators will be conducted by appropriate administrative staff members. Evaluation will be conducted in accordance with the following procedures.

A. Evaluation Criteria

1. Evaluation criteria for each administrative position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:

   a. Briefly stated and focused on major criteria of the position,

   b. Based on observable information rather than on factors requiring subjective judgment,

   c. Generic, covering a number of specific positions, and

   d. Written in the same format and in a direct, simple style.

2. Maintenance of administrative job evaluation criteria will be the responsibility of the Superintendent. Evaluation criteria will be reviewed annually, and

   a. Whenever the corresponding job description is revised, or

   b. On the request of a single job holder.

3. Each nontenured administrator will be sent a copy of the current evaluation criteria for his/her position annually by the Superintendent. Any revisions thereto shall be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders shall be referred initially to the job holder's immediate supervisor for review.

B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the administrator in the course of performing an assigned duty;

2. Review of a product from the administrator that results from the performance of his/her assigned duties;

3. Interviews of the administrator regarding his/her knowledge of assigned duties;

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

5. Audio-visual monitoring of the administrator in the performance of his/her assigned duties; and

6. Reference to previous performance reports.

C. Observations

1. Nontenured administrators will be evaluated no fewer than three times in every school year and at least once during each semester. A nontenured administrator employed fewer than sixty days in the school year may be observed and evaluated only once during the school year, and a nontenured administrator employed fewer than one hundred twenty days in the school year may be observed and evaluated only twice during the school year.

2. The evaluator shall confer with the administrator at the beginning of each three month period, the first of such periods commencing at the beginning of the school year. They shall together determine the job performance that will be observed. The period of the observation will be appropriate to the performance to be observed and will be conducted in as few separate sessions as possible. The evaluator shall record each separate instance of observation and the activity observed.

3. Wherever possible, multiple observations that focus on different areas of responsibility are desirable. Multiple observations should be spread over time to allow time for improvement.

4. Each observation will be recorded on a separate form and a copy sent to the nontenured administrator within seventy-two hours prior to the observation conference.

D. Evaluations

1. A written evaluation of each nontenured administrator in the performance of his/her duties will be prepared before the end of each three-month period during which a nontenured administrator has been evaluated.

2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each nontenured administrator's total performance as an employee of the school district. This evaluation will be submitted to the administrator sufficiently in advance of the conference to enable the administrator or the Superintendent to amend it. It will be appended to the evaluation based on performance observation and will be presented to the administrator at the conference.

E. Post Observation Conferences

1. No later than the end of each three-month period of observation, the administrator and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with D1 and D2 above.

2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the administrator whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the administrator's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.

3. Two copies of the written evaluation will be prepared and both the supervisor and the nontenured administrator shall sign each copy and retain one copy.

4. If the nontenured administrator so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.

5. Each observation report will be filed in the administrator's personnel file. A copy will be provided to the administrator within ten working days of the conference.

F. Annual Performance Conference and Report

1. An annual performance conference will be held with each nontenured administrator by the evaluator who prepared the annual performance report (whenever possible) before the administrator's annual performance report is filed.

2. The annual performance conference will include a review of the:

   a. Administrator's performance based upon his/her job description,

   b. Administrator's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and

   c. Available indicators of pupil progress and growth toward their program objectives (if applicable).

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

4. The annual performance report will be signed by the evaluator at the time of the conference and by the nontenured administrator within five working days of the conference. The signature of the administrator will not necessarily be construed to indicate assent with the report.

5. The administrator shall have up to ten working days following the conference to add material to the report not included by the evaluator.

6. Each annual performance report shall be filed in the administrator's personnel file. A copy will be provided to the staff member within ten working days of the conference.

G. Review of Pupil Progress and Growth

1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the administrator or in the program would lead to improved results by the pupils during the subsequent school year.

2. The review of pupil progress and growth will be made by an evaluator who is familiar with the pupils involved and the school context against indicators previously determined by the administrator and agreed upon by the Superintendent.

3. A summary of the pupil progress and growth data and its implications will be placed in the administrator's annual performance report. If applicable, the pupil progress and growth report will be one measure of the administrator's annual performance evaluation.

4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and staff member shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Superintendent before being implemented.

H. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared annually for each nontenured administrator to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each administrator as determined from weaknesses identified in his/her evaluation.

2. The Performance Improvement Plan will be prepared in cooperation with the administrator whenever possible and will include:

   a. Areas of required growth,

   b. Methods of achieving that growth,

   c. A schedule for implementation of those methods, and

   d. The responsibility of the administrator and the district for implementing the plan.

3. At the time the Performance Improvement Plan is prepared, a review will also be made of the administrator's efforts to achieve the prior year's plan.

4. Copies of the Individual Performance Improvement Plan will be placed in the administrator's annual performance report and given to the administrator. The degree to which the administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.

5. It is the duty of the administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including dismissal.

Adopted: 19 October 2011

R 3223.2 EVALUATION OF TENURED ADMINISTRATORS

The observation and evaluation of tenured administrators will be conducted by appropriate administrative staff members. Evaluation will be conducted in accordance with the following procedures.

A. Evaluation Criteria

1. Evaluation criteria for each administrative position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:

   a. Briefly stated and focused on major criteria of the position,

   b. Based on observable information rather than on factors requiring subjective judgment,

   c. Generic, covering a number of specific positions, and

   d. Written in the same format and in a direct, simple style.

2. Maintenance of administrative job evaluation criteria will be the responsibility of the Superintendent. Evaluation criteria will be reviewed annually, and

   a. Whenever the corresponding job description is revised, or

   b. On the request of a single job holder.

3. Each tenured administrator will be sent a copy of the current evaluation criteria for his/her position annually by the Superintendent. Any revisions will be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the administrator in the course of performing an assigned duty;

2. Review of a product from the administrator that results from the performance of his/her assigned duties;

3. Interviews of the administrator regarding his/her knowledge of assigned duties;

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

5. Audio-visual monitoring of the administrator in the performance of his/her assigned duties; and

6. Reference to previous performance reports.

C. Observations

1. Tenured administrators will be evaluated at least once during each school year.

2. The evaluator shall confer with the administrator at the beginning of each school year. They shall together determine the job performance that will be observed. The observation period will occupy not less than one hour's time.

3. Each observation will be recorded on a separate form and a copy sent to the tenured administrator within seventy-two hours prior to the observation conference.

D. Evaluations

1. A written evaluation of each tenured administrator in the performance of his/her duties will be prepared within fifteen calendar days of the observation.

2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each tenured administrator's total performance as an employee of the school district. This evaluation will be submitted to the administrator sufficiently in advance of the conference to enable the administrator or the Superintendent to amend it. It will be appended to the evaluation based on performance observation and will be presented to the administrator at the conference.

E. Post Observation Conferences

1. No later than fifteen days after the observation, the administrator and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with D1 and D2 above.

2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the administrator whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the administrator's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.

3. Two copies of the written evaluation will be prepared and both the supervisor and the tenured administrator shall sign each copy and retain one copy.

4. If the tenured administrator so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.

5. Each observation report will be filed in the administrator's personnel file. A copy will be provided to the administrator within ten working days of the conference.

F. Annual Performance Conference and Report

1. An annual performance conference will be held with each tenured administrator by the evaluator who prepared the annual performance report (whenever possible) before the administrator's annual performance report is filed.

2. The annual performance conference will include a review of the:

   a. Administrator's performance based upon his/her job description,

   b. Administrator's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and

   c. Available indicators of pupil progress and growth toward their program objectives (if applicable).

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

4. The annual performance report will be signed by the evaluator at the time of the conference and by the tenured administrator within five working days of the conference. The signature of the administrator will not necessarily be construed to indicate assent with the report.

5. The administrator shall have up to ten working days following the conference to add material to the report not included by the evaluator.

6. Each annual performance report shall be filed in the administrator's personnel file. A copy will be provided to the staff member within ten working days of the conference.

G. Review of Pupil Progress and Growth

1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the administrator or in the program would lead to improved results by the pupils during the subsequent school year.

2. The review of pupil progress and growth will be made by an evaluator who is familiar with the pupils involved and the school context against indicators previously determined by the administrator and agreed upon by the Superintendent.

3. A summary of the pupil progress and growth data and its implications will be placed in the administrator's annual performance report. If applicable, the pupil progress and growth report will be one measure of the administrator's annual performance evaluation.

4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and administrator shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Superintendent before being implemented.

H. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared annually for each tenured administrator to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each administrator as determined from weaknesses identified in his/her evaluation.

2. The Performance Improvement Plan will be prepared in cooperation with the administrator whenever possible and will include:

   a. Areas of required growth,

   b. Methods of achieving that growth,

   c. A schedule for implementation of those methods, and

   d. The responsibility of the administrator and the district for implementing the plan.

3. At the time the Performance Improvement Plan is prepared, a review will also be made of the administrator's efforts to achieve the prior year's plan.

4. Copies of the Individual Performance Improvement Plan will be placed in the administrator's annual performance report and given to the administrator. The degree to which the administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.

5. It is the duty of the administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including certification of charges.

Adopted: 19 October 2011

R 3230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment only when such employment does not:

   a. Constitute a conflict of interest,

   b. Occur at a time when the employee has assigned district duties, or

   c. Diminish the employee's efficiency in performing assigned district duties.

2. A full-time employee who engages in employment outside the district shall report that employment to the Principal.

B. Private Enterprise

1. No employee may conduct activities on school district property designed to advance a private enterprise without the express permission of the Principal. Permission will not be given for solicitations or collections on behalf of a private enterprise.

2. No employee may, on school premises, advertise, recruit, or finance trips for pupils other than those expressly approved by the Board of Education. School property may not be used as the point of departure or arrival for any such privately arranged trip.

C. Outside Associations

Employees should avoid conduct and associations outside the classroom that, if known, would have an adverse or harmful effect upon pupils or the instructional program.

Issued: 19 October 2011



R 3232 TUTORIAL SERVICES

A. Tutoring in the Instructional and Athletic Program

1. Teachers or coaches will make every reasonable effort to assist pupils assigned to them who need extra help in the reinforcement of skills.

2. In-school tutoring or coaching assistance may be given during the course of the school day or during the periods immediately before or after the school day.

3. In-school tutoring and coaching is part of a teaching staff member's district responsibility and no teacher or coach may charge a fee for such services.

B. Tutoring or Coaching Outside the School

1. A teacher or coach who believes that a pupil would profit educationally by regularly scheduled outside tutorial or coaching help will so inform the Building Principal. No such recommendation may be made until the teacher or coach has offered extra help in accordance with paragraph A.

2. If the Building Principal concurs in the teacher's recommendation, he/she will notify the pupil's parent(s) or legal guardian(s).

3. The responsibility of securing a tutor or coach rests with the parent or legal guardian, but the teacher or coach and, where applicable, the pupil's guidance counselor should be prepared to discuss the pupil's performance and needs with the parent(s) or legal guardian(s).

4. On the parent's or legal guardian's written request (in accordance with Policy No. 8330), the teacher or coach should cooperate with the tutor or coach providing services, in providing information and materials used in class and in specifying skills needing reinforcement.

5. Private tutoring or coaching is to be provided off school premises, and reimbursement is to be made by the pupil or parent(s) or legal guardian(s) directly to the tutor or coach.

6. Teachers and coaches are prohibited from providing private tutoring or coaching services to pupils assigned to them in the regular school program. A teacher or coach who tutors or coaches a pupil privately may not participate as a member of an evaluation team or special review assessment team for that pupil.

7. No tutoring or coaching for which a teacher or coach receives a fee shall be carried on in the school building.

Issued: 19 October 2011

R 3232.1 HOME SERVICES

Home teachers/therapists shall be required to complete a record of their attendance and hours (time sheets). Parent(s) or legal guardian(s) are required to sign-off on the teacher's/therapist's time sheet for each home session.

It can be difficult to predict when a child is getting sick or when there will be inclement weather. Therefore, the following guidelines shall be followed for home services for our teachers and parent(s) or legal guardian(s) when necessary:

1. Home services will not be provided if school is not scheduled. Teachers/ therapists shall follow the calendar of the school the child attends.

2. If the child is absent from school or sent home sick, the teacher/therapist will not provide services in the home on the day of the pupil's absence from school or while the pupil is home with a communicable illness.

3. Home services will not be provided or rescheduled when there are school closings or snow days.

4. If inclement weather arises during the school day, scheduled home services during inclement weather will be provided at the teacher's/therapist's discretion.

5. If a home session is canceled due to teacher's/therapist's illness, the service provider will attempt to reschedule session(s) missed within the month the absence occurred.

It is suggested a parent(s) or legal guardian(s) and a teacher/therapist exchange phone numbers to avoid miscommunications and missed appointments. Any questions regarding the implementation of this procedure shall be directed to the child's case manager.

Issued: 19 October 2011

R 3233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;

2. The distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;

3. Collection of and solicitation for campaign funds;

4. Solicitation for campaign workers;

5. Use of pupils for writing or addressing political materials or the distribution of such materials to or by pupils;

6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used as a polling place; and

7. Any activity in the presence of pupils while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The following political activities are permitted on school premises.

1. Conduct of pupil and employee elections and any campaigning connected with those elections.

2. Classroom discussion and study of politics and political issues, when such discussion and study are appropriate to studies such as history, current events, or political science.

3. Distribution of political materials when approved by the Superintendent and when relevant to the class, curriculum, and maturity of the pupils. Any such material shall be presented by the teacher without bias or discrimination.

C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

Issued: 19 October 2011



R 3240 PROFESSIONAL DEVELOPMENT

A. Professional Development Plans

The school district will develop and implement professional development plans for teachers aligned with the requirements and the Professional Development Standards set forth in N.J.A.C. 6A:9. The district's professional development activities shall:

1. Improve teachers' understanding of the content and pedagogy related to their teaching assignment;

2. Promote individual and collaborative professional learning with adequate and consistent time for teachers, including English as a second language, gifted and talented, bilingual and special education teachers, to work together in and across content areas and grade levels to review pupil work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems;

3. Include evaluation and analysis of professional development results in order to improve professional development by reviewing the following:

   a. Pupil test scores, work products, and attitudinal measures;

   b. Progress made in achieving professional development goals;

   c. Staff feedback on the effectiveness of professional learning activities and Professional Development Plans;

   d. Analysis of the costs associated with professional development opportunities in relation to the impact on pupil achievement and district goals;

4. Include ongoing analysis by administrators and teachers regarding the effectiveness of implementation of professional development initiatives; and

5. Include school district support through policies and adequate resources.

All school leaders shall develop and implement a professional growth plan aligned with the requirements and the Professional Development Standards set forth in N.J.A.C. 6A:9.

B. Professional Development Programs

1. Teaching staff members may be excused from the performance of their duties, without loss of compensation, for participation in relevant professional development programs, provided such participation:

   a. Meets the requirements of Policy No. 3240 and this regulation; and

   b. Has received final advance approval in accordance with paragraph B.5. below.

2. The use of school district funds for travel expenditures for professional development activities shall be in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars pertaining to travel, meals, events, and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

3. A written request for permission to participate in a professional meeting must be submitted to the Superintendent or designee forty-five working days prior to the meeting when possible. The request will include:

   a. The date, time, and place of the meeting;

   b. The name and address of the sponsoring organization; and

   c. The purpose of the meeting and its anticipated value to the school or district.

4. The request will be evaluated considering:

   a. The member's participation in other professional meetings;

   b. Other requests for participation in the same meeting;

   c. The value to the school and/or district of the member's participation;

   d. The requirements as outlined in N.J.A.C. 6A:23A-7 et seq.; and

   e. Remaining available budgetary allocations for professional development activities.

5. The Superintendent or designee will grant or deny permission to attend the activity pending Board approval. The Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars pertaining to travel, meals, events and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

6. In order to receive reimbursement, each teaching staff member excused from his/her duties to attend a professional development program or activity shall prepare and submit to the Superintendent or designee, with a copy to the School Business Administrator/Board Secretary after the program or activity, an original, written summary report of the meeting that includes:

   a. The primary purpose of the travel;

   b. The key issues addressed at the event; and

   c. The relevance to improving instruction or the operations of the school district.

7. Copies of the member's report will be distributed to such other teaching staff members as will benefit from the shared experience and information. The participant may be required to meet with other teaching staff members to discuss the meeting.

8. Any vouchers and claims for payment to be reimbursed pursuant to Policy No. 3240 shall be submitted to the School Business Administrator/Board Secretary, along with supporting receipts and other appropriate documentation, no later than ten working days after the meeting.

C. Required Professional Development for Teachers

1. Each active teacher shall be required to complete 100 clock hours of approved professional development every five years in accordance with the requirements of N.J.A.C. 6A:9-15.2. At least two hours of instruction in suicide prevention must be part of the 100 clock hours of professional development in accordance with the provisions of N.J.S.A. 18A:6-111.

2. The content of each teacher's professional development shall be specified in a Professional Development Plan and shall be developed in accordance with N.J.A.C. 6A:32-4.4 and 4.5 to meet the needs of the individual teacher in the context of his or her job.

3. The content of each teacher's professional development shall align with the Professional Standards for Teachers as set forth in N.J.A.C. 6A:9-3.3.

4. The activities in each teacher's Professional Development Plan shall align with the Professional Development Standards in N.J.A.C. 6A:9-15.2(d). Professional development experiences may include experiences as outlined in N.J.A.C. 6A:9-15.2(f).

5. The Board will establish a Professional Development Committee, pursuant to N.J.A.C. 6A:9-15.3(e), comprised of four teachers elected by the Board's instructional and educational services staff through their majority representative and two administrative staff members appointed by the Superintendent. Election of teacher representatives shall conform to the procedures as outlined in N.J.A.C. 6A:9-15.3(g). School level committees shall consist of the Principal or designee and at least three teachers who will be elected through the majority representative. The school level committees shall oversee the development of school level plans for professional development. The school level plan shall include a description of school level and team-based learning in the school and will be based on identified school goals and pupil and teacher needs. Plans developed by the district's local Professional Development Committee shall be presented to the Board of Education for review and then to the County Professional Development Board for approval. Once the district's Professional Development Plan has been approved by the County Professional Development Board, the Board of Education has responsibility for final approval.

6. The 100 clock hours of approved professional development is legally binding and it shall be each active individual teacher's responsibility, in conjunction with the Board policies, to take whatever steps are necessary in order to meet the requirement. The State and the Board will actively assist and support a teacher's efforts to meet this requirement. The Superintendent, through the Professional Development Plan process, is responsible to monitor the teacher's efforts continuously through progressive supervision where the teacher's progress is inadequate.

7. Accrued professional development hours shall be portable between schools and districts. The Superintendent shall certify in writing to a new school district the accrued professional development hours for any teacher leaving the school district.

Issued: 19 October 2011

R 3244 IN-SERVICE TRAINING

In-Service programs shall be the responsibility of the administrative team. They shall solicit from teachers and staff input on the need for in-service instruction and shall develop an appropriate program, establish a schedule and notify the appropriate individuals and inform the Superintendent, who shall apprise the Board of Education regarding the in-service program for teachers and staff.

N.J.A.C. 6:8-2.8(a)4

Issued: 19 October 2011



R 3270 LESSON PLANS AND PLAN BOOKS

A. Lesson Plans

1. Teaching staff members assigned specific instructional responsibilities and as designated by the Superintendent shall prepare regular lesson plans.

2. Lesson plans must conform to the guidelines established by the Superintendent or designee. Plans may be reviewed and monitored by school district administrative staff as determined by the Superintendent.

3. The content of the lesson plan will be determined by the Superintendent or designee. The content of the lesson plan may include, but not be limited to:

   a. Name of the unit or area of learning;

   b. Goals and objectives;

   c. Instructional planning that includes the applicable New Jersey Student Learning Standards (NJSLS);

   d. Interdisciplinary connections;

   e. Integration of technology;

   f. Assessments, including, but not limited to formative, summative, benchmark, and alternative assessments;

   g. List of core instructional and supplemental materials; and

   h. Any other content as prescribed by the Superintendent, Principal, and/or immediate supervisor.

4. Lesson plans must be prepared in advance.

5. Lesson plans will follow the format established by the Principal or designee.

6. Lesson plans must be prepared with clarity and in sufficient detail to permit a substitute to conduct the lesson efficiently and effectively.

B. Lesson Plan Books

1. Lesson plans shall be kept in an accessible electronic version or in a plan book.

2. The plan book will permit administrators to monitor classroom instruction.

3. Content of the lesson plan book shall be designated by the Superintendent and will be determined by the school district.

C. Substitute Lesson Plans

1. Each teaching staff member shall submit a substitute folder to the Principal or designee that shall contain the following:

   a. Lesson plans;

   b. Emergency procedures; and

   c. Any other content as prescribed by the Principal.

2. To help a substitute and to provide meaningful work for the students in the event a teaching staff member is absent, subject related activities shall be provided.

3. Every attempt shall be made to follow the lesson plans so that the student's education will not be interrupted during the teaching staff member's absence.

Issued: 21 September 2022



R 3280 LIABILITY FOR PUPIL WELFARE

A. A teaching staff member must maintain a standard of care for supervision, control, and protection of pupils commensurate with the member's assigned duties and responsibilities.

1. A class or activity must never be left unattended while pupils are in the room, except that a teacher may stand immediately outside the door of the room as pupils are entering.

2. A class or activity must never be left with an unqualified person in charge of pupils.

3. Younger pupils should be accompanied to assigned places of instruction and monitored until supervision is assumed by another qualified, responsible person.

4. Pupils shall not be allowed to inflict bodily harm on one another. Teaching staff members are responsible for preventing and stopping pupil fights and assaults, whatever the cause or intent; if necessary, responsible assistance must be quickly summoned. Teaching staff members may restrain a pupil only with the reasonable amount of force necessary to:

   a. Quell a disturbance,

   b. Obtain possession of weapons or dangerous objects,

   c. Offer self defense, or

   d. Protect persons or property.

B. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities.

C. A teaching staff member must provide proper instruction in safety wherever course guides so provide.

D. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects.

E. A teaching staff member must not send pupils on personal errands.

F. A teaching staff member must never transport pupils in a personal vehicle without the approval of the Building Principal. Any transportation of pupils by private vehicle is subject to Policy No. 8660.

G. A teaching staff member must not require a pupil to perform tasks that may be detrimental to the pupil's health or well-being.

1. Pupils may be permitted to use only items of equipment that have been provided by the Board.

2. Equipment shall not be used for purposes other than the instructional purposes for which the equipment was provided; equipment may never be operated in a hazardous manner.

3. Power tools and other inherently hazardous equipment may be used only by pupils to whom the tools or equipment have been assigned for instructional purposes and who have received instruction for their safe use.

4. Pupils will be permitted to work in a shop, kitchen, or laboratory only during the period scheduled for instruction and only in accordance with safety rules.

5. Classroom materials and equipment should be organized so as to minimize the danger of injury to pupils.

6. Teachers must exercise good judgment when assigning tasks to pupils to prevent bodily harm and damage to property.

7. Safety equipment provided for use in potentially hazardous situations must be properly and promptly utilized when necessary.

H. A teaching staff member must render prompt reports when so required by law and Board policy.

1. Instances of substance abuse will be reported in accordance with Policy No. 5530.

2. Instances of violence and/or vandalism will be reported in accordance with Policy No. 8461.

3. Accidents will be reported in accordance with Board Policy No. 8442.

4. Instances of suspected child abuse will be reported in accordance with Policy Nos. 8461 and 8462.

5. Missing children will be reported in accordance with Policy No. 8464.

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R 3281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 3281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

A. Definitions

1. "Building Principal" is the Principal of the building where the staff member is assigned.

2. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.

3. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

4. The "immediate supervisor" for teaching staff members may be a Building Principal, a member of the school district's non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.

5. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil's clothing or physical appearance, comments with sexual overtones, comments regarding a pupil's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.

6. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a staff member, corporal punishment, requesting a pupil to expose private parts of

their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. "Inappropriate conduct" does not include a hug initiated by a pupil as a sign of the pupil's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.

8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.

9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.

10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.

12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.

13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.

14. "Unannounced or uninvited visit" is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal.

2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal.

3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal.

4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Principal.

6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.



7. School staff having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal after making such report.

C. Investigation of Reports

1. When the School Business Administrator/Board Secretary receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Superintendent.

2. The School Business Administrator/Board Secretary will begin a prompt and thorough investigation of every report.

3. The School Business Administrator/Board Secretary or the Superintendent will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services if there is reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The School Business Administrator/Board Secretary will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the School Business Administrator/Board Secretary received the report.

2. The School Business Administrator/Board Secretary's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.

3. The School Business Administrator/Board Secretary will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.

4. If, based on a preliminary investigation, the School Business Administrator/Board Secretary determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The School Business Administrator/Board Secretary will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.

5. If, based on a preliminary investigation, the School Business Administrator/Board Secretary deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.

E. Full Investigation

1. The School Business Administrator/Board Secretary, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 and/or local law enforcement.

2. The School Business Administrator/Board Secretary will conduct the full investigation if the Division of Youth and Family Services and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-10.2 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.

3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.

4. The School Business Administrator/Board Secretary will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony and evidence to the School Business Administrator/Board Secretary relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent.

6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the School Business Administrator/Board Secretary will prepare a written report to the Superintendent. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the School Business Administrator/Board Secretary.

7. If the School Business Administrator/Board Secretary's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report's findings, the School Business Administrator/Board Secretary will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.

8. If the School Business Administrator/Board Secretary's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:

   a. Provide the staff member an opportunity to rebut the findings of the School Business Administrator/Board Secretary's full investigation report and findings;

   b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;

   c. Not recommend the staff member be re-appointed for the next school year;

d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;

e. Institute tenure charges (if applicable) in accordance with N.J.A.C. 6A:3-5 – Charges Under Tenure Employees' Hearing Act; and/or

f. Recommend to the Board of Education any other disciplinary measures as the Superintendent determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.

9. If the Superintendent does not concur with the findings of the School Business Administrator/Board Secretary's full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the School Business Administrator/Board Secretary, a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.

10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.



R 3321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY TEACHING STAFF MEMBERS

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The "system administrators" referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, teaching staff members must adhere to strict regulations. Regulations are provided here so that teaching staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Teaching staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing teaching staff members behavior and communications apply. The school district's network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to teaching staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the Technology Coordinator and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored. During school, teaching staff members will guide pupils toward appropriate materials.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;

2. Using obscene language;

3. Harassing, insulting or attacking others;

4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/computers;

5. Violating copyright laws;

6. Using another's password;

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

8. Intentionally wasting limited resources;

9. Employing the network(s)/computers for commercial purposes;

10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;

11. Stealing data or other intellectual projects;

12. Forging electronic mail messages;

13. Posting anonymous messages;

14. Accessing school computers for other than educational purposes; and/or

15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system

administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any

non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Teaching staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise pupil use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Teaching staff members should discipline pupils knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform pupils that such activities may result in termination of such pupils' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

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

Users agree to indemnify the Essex Fells School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to teaching staff members as an educational resource. No teaching staff member may install, upload, or download software without the

expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system

administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Drive/Server Usage

The system administrators reserve the right to set quotas for drive/server usage on the system. A member who exceeds his/her quota of drive/server space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of drive/server space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or

of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 3321, Teaching Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 3150, Teaching Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Technology Coordinator in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities are the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;

5. Revocation of computer privileges;
6. Suspension from employment;
7. Legal action and prosecution by the authorities.

8. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

Decisions of the Technology Coordinator may be appealed in accordance with the appropriate employee grievance procedure.

Issued: 19 October 2011



R 3425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in the school building and in the Coordinator's office.

2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or to the workers' compensation physician.

   a. In the event the injury requires immediate medical treatment, the staff member may be directed to the school physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.

   b. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:

      (1) Go to the hospital emergency room; and

      (2) Notify their immediate supervisor as soon as possible after the injury.

   c. In the event the injured staff member goes to the hospital emergency room when school is closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.

d. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:

(1) Immediately notify their immediate supervisor; and

(2) Notify the Coordinator's office the next business day.

3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.

a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.

4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.

5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.

B. Physician's Workers' Compensation Examination and Evaluation

1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.

2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.

3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.

2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.

3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.

4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.

5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.

6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.

2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.

4. There is no restriction on the school district location or the type of modified duties assigned to the staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.

5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.

2. Staff members are required to follow the Coordinator's directives regarding:

   a. Job assignments and tasks;

   b. Attending scheduled doctors' appointments; and

   c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

Issued: 19 October 2011

R 3432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:

   a. Personal disability due to the employee's illness or injury,

   b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease, or

   c. The employee's having been quarantined for a contagious disease in his/her immediate household.

2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:

   a. Has engaged in or prepared for gainful employment with an employer other than the Board,

   b. Has participated in a concerted work stoppage, or

   c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify the Building Principal no later than the day before the absence, to allow sufficient time for the securing of substitute services.

2. Notice of the disability should include a reasonable estimate of the duration of the disability.

3. An employee who becomes aware of his/her disability on the morning of the absence must call the Administrative Assistant to School Personnel at her home number between the hours of 6:00 a.m. and 7:30 a.m.

4. An employee who becomes disabled during the school day must so inform the Superintendent/Principal as promptly as possible and request permission to leave the school premises.

5. In all instances, the employee himself/herself should call the Principal to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 12:00 p.m.

2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Superintendent/Principal.

3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.

4. An employee scheduled for a sick leave absence on a day on which the school does not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

D. Verification of Sick Leave

1. An employee absent for reasons of disability more than three consecutive working days or more than five cumulative working days in any one month shall submit the signed statement of his/her physician indicating:

   a. The reason for the employee's absence, as personally known to the physician; and

   b. If the employee is not immediately returning to work, the anticipated duration of the employee's disability.

2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph D2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's disability on days claimed for sick leave.

E. Readmission After Disability

1. An employee who wishes to return to work after sick leave of more than three consecutive working days or more than five cumulative working days in any one month shall submit the signed statement of his/her physician indicating the employee's fitness to perform his/her duties.

2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph E2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's fitness to return to service.

F. Exhaustion of Sick Leave

1. The Administrative Assistant to School Personnel will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 3432 and this regulation.

2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled within one hundred eighty seven working days, the Superintendent/Principal will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.

3. A request for the extension of sick leave should be submitted to the Superintendent/Principal at least forty-five working days in advance of the next Board meeting. The request must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.

4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence pursuant to Policy No. 3431.

5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case by case basis.

6. Employees will receive no compensation or benefits during an unpaid leave of absence, except the continuation of health insurance coverage for which the employee must recompense the district.

G. Accumulation of Sick Leave

1. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's bank of accumulated sick leave.

2. At the beginning of each contract year, up to ten days of sick leave newly available but unused in the prior contract year will be carried forward and credited to a full-time employee's bank of sick leave.

3. The unused sick leave of part-time employees will be accumulated on the basis of hours of work rather than days of work.

   a. At the close of each school year, the number of sick leave days not used by a part-time employee will be multiplied by the number of hours the employee worked in each day or, if the employee worked irregular hours, the average number of hours in each contract day.

   b. At the beginning of the following school year, the total number of hours accumulated will be divided by the number of hours, or average number of hours, to be worked in each contract day. The result constitutes the number of accrued sick leave days the employee may claim when he/she has exhausted the sick leave days available in the current contract year.

   c. When a part-time employee, continuously employed in the district, is employed full-time, his/her accumulated sick leave hours will be divided by the number of hours in a full working day, and the dividend will be multiplied by the number of days he/she worked each week as a part-time employee. The product will be divided by five, the number of days in a full-time week. The resulting number, rounded up to the next full day, represents the number of accrued sick leave days in the employee's sick leave bank.

H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 3212.

2. Each employee's attendance record will record the reason for any absence.

3. The attendance record will include the number of accumulated unused sick leave days in the employee's sick leave bank.

Issued: 19 October 2011



R 4000 SUPPORT STAFF MEMBERS

Number	Title
R 4146	Nonrenewal of Nontenured Support Staff Member
R 4160	Physical Examination (M)
R 4211.3	Consulting Outside the District
R 4212	Attendance
R 4218	Substance Abuse (M)
R 4220	Evaluation of Support Staff Members
R 4230	Outside Activities
R 4233	Political Activities
R 4240	Employee Training
R 4281	Inappropriate Staff Conduct
R 4321	Acceptable Use of Computer Network(s)/Computers and Resources by Support Staff Members
R 4425.1	Modified Duty Early Return To Work Program
R 4432	Sick Leave

R 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

A. Evaluations

1. Each nontenured support staff member shall be evaluated at least one time each school year.

2. Evaluations shall set forth both the strengths and weaknesses of the nontenured support staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.

3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of professional skills.

B. Nonrenewal Recommendation

1. When a nontenured support staff member's performance does not meet the standards of the school district, employment will not be offered to the nontenured support staff member for the succeeding school year.

2. The nontenured support staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured support staff member in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.

3. A recommendation by the Superintendent to not renew the nontenured support staff member may be based upon the nontenured support staff member's evaluations, job performance, or any factor affecting his/her employment in the school district.

4. A nontenured support staff member contract can be renewed only upon the Superintendent's recommendation and a majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons.

C. Nonrenewal Action

1. Prior to notifying the nontenured support staff member of the nonrenewal, the Superintendent shall notify the Board of the recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board members of the recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation in a written notice to the Board or in the alternative, in executive session. If notification is provided to the Board in executive session, the Superintendent and the Board will meet in executive session in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between parties.

   a. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured support staff members whose possible nonrenewal will be discussed at the meeting. If any such nontenured support staff member requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting.

2. The Superintendent will ensure the timelines for nonrenewal action are in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.

3. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board of Education vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member's contract.

D. Notice of Nonrenewal

1. The nonrenewal notice shall be provided to the nontenured support staff member not recommended for renewal by the Superintendent in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured support staff member's address of record.

E. Request for Statement of Reasons

1. Any nontenured support staff member receiving notice that a contract for the succeeding school year will not be offered may, within fifteen calendar days thereafter, request in writing a statement of the reasons for such nonemployment which shall be given to the nontenured support staff member in writing thirty calendar days after the receipt of such request.

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the nontenured support staff member's evaluations and the nontenured support staff member has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.

3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the nontenured support staff member who requested the statement of reasons within thirty calendar days after the receipt of the nontenured support staff member's request for the statement of reasons.

F. Nonrenewal Appearance

1. Whenever the nontenured support staff member has requested in writing and received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, the nontenured support staff member may request in writing an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured support staff member's receipt of the Board's statement of reasons.

2. The informal appearance shall be scheduled within thirty calendar days from the nontenured support staff member's receipt of the Board's statement of reasons.

3. The Board will exercise discretion in determining a reasonable length of time for the proceeding depending upon each instance's specific circumstances.

4. The proceeding of an informal appearance before the Board may be conducted in executive session pursuant to N.J.A.C. 10:4-12(b)(8). If conducted in executive session notice must be given in accordance with N.J.S.A. 10:4-13.

5. The Board shall provide the nontenured support staff member adequate written notice regarding the date and time of the informal appearance.

6. The nontenured support staff member's appearance before the Board shall not be an adversary proceeding. The purpose of the appearance shall be to provide the nontenured support staff member the opportunity to convince Board of Education members to offer reemployment.

7. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding.

8. The nontenured support staff member may be represented by an attorney or by one individual of his/her choosing. The nontenured support staff member may present, on his or her behalf, witnesses who do not need to present testimony under oath and shall not be cross-examined by the Board. Witnesses shall be called one at a time into the meeting to address the Board and shall be excused from the meeting after making their statements.

G. Final Determination

1. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment of the nontenured support staff member to the voting members of the Board. If the Superintendent recommends the nontenured teaching staff member for reemployment, the voting members of the Board must, by a majority vote of the full Board at a public session, approve or not approve the reemployment.

2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured support staff member reemployment after the informal appearance before the Board.

3. Within three working days following the informal appearance, the Board shall notify the affected nontenured support staff member, in writing, of its final determination. The Board may delegate notification of its final determination to the Superintendent or Board Secretary.

Adopted: 6 October 2021

R 4160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant. Physical examination includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

a. A health history shall include, but is not limited to, the candidate's:

(1) Past serious illnesses and injuries;

(2) Current health problems;

(2) Allergies; and

(4) A record of immunizations.

b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure;

(6) Vision screening;

C. Medical Requirements Upon Employment

1. The Board will follow the current New Jersey Department of Health Guidance for Tuberculosis (TB) Testing in New Jersey Schools.

2. An individual support staff member may provide health-status information, including medications, that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the support staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency pursuant to N.J.A.C. 6A:32-6.3(c).

D. Health Records

1. Health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files in accordance with N.J.A.C. 6A:32-6.3(d).

2. Health records shall be the property of the Board and may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5 and N.J.A.C. 6A:32-6.3(d).

E. Support Staff Member Physical Examinations and Medical Updates

1. Support staff member physicals, examinations, and/or annual medical updates shall not require disclosure of HIV status.

Adopted: 18 September 2024

R 4211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that support staff members will have expertise and knowledge in areas that other school districts, agencies, private business organizations and other entities may desire. Recognizing that the school district will request the expertise from support staff members from other school districts, agencies, private business organizations and other entities the Board supports sharing of its support staff members with other school districts and agencies to the extent it does not interfere with the efficient operation of the school district.

A. Definitions

1. Agency - A public or private agency requesting the services of the school district's support staff member.

2. Other school districts - A school district other than the school district that employs the support staff member, including all supervisory and administrative personnel.

3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.

4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the support staff member, except out-of- pocket expenses.

5. Staff member - A contracted member of the school district's support staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The support staff member or the agency requesting the expertise and knowledge of the support staff member must submit a written request to the Superintendent or designee. The written request must include the following:

   a. The date(s) the support staff member will be away from the district;

   b. The time of day the support staff member will be away from the school district;

   c. Any out-of-pocket costs to the school district;

d. Any reimbursements that the support staff member is entitled to from the other school district or agency;

e. The specific services requested of the support staff member; and

f. The location where the services will be provided.

2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the support staff member's attendance record and the impact of the support staff member being out of the school district for the requested time.

3. The Superintendent or designee will determine and recommend each request on a case by case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.

4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.

5. The Board's approval of the Superintendent's recommendation will permit the support staff member's consulting activity attendance and the support staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the support staff member if the request is approved by the Board.

C. Reporting Activities

The support staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

Issued: 19 October 2011

R 4212 ATTENDANCE

A. Review of Attendance Data

1. A record shall be kept of the attendance of each support staff member, including secretarial staff; maintenance and custodial staff; food service staff; other support staff members, and staff members that supervise support staff members. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, bereavement leave, and any other leaves of absences taken by the support staff member. The support staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent or by Policy and Regulation 1642.01. The support staff member's rate of absence shall be calculated at least once per school year and entered on the support staff member's attendance record. A support staff member's attendance record shall be part of the support staff member's personnel file.

2. A cumulative attendance record shall be assembled for each department or classification of employees in the school district.

3. An attendance report shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for a department and/or classification of employee.

B. Attendance Reporting and Improvement Plan

1. Planning

a. Each absence of a support staff member shall be reported by the support staff member in accordance with the school district's procedure.

b. The absence of a support staff member shall be provided to the support staff member's Principal or supervisor designated by the Superintendent, as appropriate, who shall determine if a substitute or replacement is required for the period of the absence.

c. A report of such absences shall also be provided to the Superintendent or designee.

d. The supervisor designated by the Superintendent shall determine if an absence requires further verification. Reasons for further verification may include, but are not limited to, the following:

(1) A pattern of absences on the same day(s) of the week;

(2) A pattern of absences before or after nonworking days;

(3) The habitual exhaustion of personal leave.

e. The Superintendent or designee will meet with the support staff member supervisors to discuss attendance records of support staff members. The attendance records shall be analyzed for patterns of absences, such as excessive absenteeism in a given department, school, or work place in the school district, among certain groups of support staff members, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absences shall be developed.

2. Implementation

a. The Superintendent or designee or the support staff member's supervisor designated by the Superintendent, shall be responsible for implementing a plan for the improvement of support staff member attendance.

b. The support staff member's supervisor designated by the Superintendent shall encourage the regular attendance of the support staff members in their workplace, school, or department. The support staff member's supervisor designated by the Superintendent shall maintain contact with absent employees and may confer with support staff members who return from an absence of any duration.

c. The Superintendent shall direct support staff member supervisors to incorporate a support staff member's attendance record in the support staff member's evaluation.

d. The support staff member's supervisor designated by the Superintendent shall report to the Superintendent or designee any support staff member whom the supervisor suspects of misusing sick leave or falsifying the reasons for an absence.

3. Counseling

   a. The Superintendent or supervisor designated by the Superintendent may schedule a conference with a support staff member where the number and/or pattern of the support staff member's absences or the reasons offered for the support staff member's absences may indicate a concern.

   b. Prior to the giving of any admonition, reprimand, or imposition of discipline of any kind, the Superintendent or supervisor designated by the Superintendent shall determine the nature of the absences and consider any extenuating circumstances.

   c. A written report of any attendance conference shall be prepared and retained with the support staff member's evaluations. The support staff member shall be permitted to examine the report and affix their comments, if any, to evaluation reports.

C. Record of Attendance

1. A record shall be kept of the attendance of all support staff members, including supervisors. Any absence, for part or all of a school day, shall be recorded with the reason for the absence. A support staff member's attendance record shall be part of the employee's personnel file.

2. The record will distinguish sick leave; professional days; unpaid leaves of absences; personal leave; bereavement leave; and any other leaves taken by the support staff member. The support staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent, Policy 1642.01, or any other law or Board policy.

3. A support staff member's rate of absence shall be calculated at least once per school year and entered on the support staff member's attendance record.

4. At the end of each school year, the Superintendent, School Business Administrator/Board Secretary, and support staff members' supervisors will review attendance records for support staff members.

D. Attendance Improvement Plan

1. The attendance record prepared for support staff members shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.

2. Specific strategies for reducing the rate of absences shall be developed.

3. The Superintendent shall designate an administrator or supervisor to be responsible for implementing the approved plan for the improvement of support staff member attendance in the school district.

4. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any support staff member's performance.

E. In-Service Training

1. The School Business Administrator/Board Secretary or supervisor designated by the Superintendent shall meet with support staff members at the beginning of each school year to:

   a. Inform support staff members of Board policy and district regulations on attendance;

   b. Familiarize employees with the procedures to be used in requesting, reporting, and verifying absences;

   c. Acquaint support staff members with the degree to which attendance will affect evaluation reports.

Issued: 13 December 2023

R 4218 SUBSTANCE ABUSE

Procedures

A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance.

1. The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the Building Principal or immediate supervisor, the school physician (school medical inspector), or the school nurse.

2. The school physician (school medical inspector) or the school nurse shall notify the Superintendent upon receiving any such report(s). The Superintendent, and school nurse when appropriate, will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.

3. The school nurse or designee as determined by the Superintendent, shall discuss the suspected behavior with the employee as to the extent of the problem. The Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.

4. If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.

   If necessary, an immediate leave of absence may be granted to the employee by the Superintendent. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the Superintendent.

B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:

1. The staff member shall encourage the employee to seek help.

2. Report the concern about the potential substance abuse problem to the Building Principal.

3. The school physician or the school nurse must report the substance abuse problem to the Principal. The Principal will then follow paragraph C2 of this regulation.

C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:

1. Whenever it appears to any teaching staff member, school nurse, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the Principal, the school physician, or the school nurse.

2. The school physician or school nurse shall notify the Superintendent/Principal when they receive a report. The Superintendent/Principal shall:

a. Arrange for the immediate examination of the employee by the school doctor or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the doctor or emergency room by a member of the school staff designated by the Building Principal and/or the Superintendent.

b. A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a controlled dangerous substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within twenty-four hours of the initial report made by the Principal.

c. The employee shall not be permitted to resume work until he/she has submitted to the Building Principal a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.

d. If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the Superintendent/Principal.

e. If the report indicates a positive diagnosis, the following sanctions apply:

First offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the Superintendent within one week after the third counseling session. A warning letter from the Superintendent will be placed in the employee's personnel folder.

Second offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the Superintendent within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

Third offense: Provided the employee is not dismissed, the employee must enroll in a certified rehabilitation program. A letter must be sent to the Superintendent at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.

Fourth offense: Provided the employee is not dismissed, the employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.

f. If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.

3. If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the Superintendent immediately, or in his/her absence, his/her designee. The Superintendent or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.

D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes.

1. A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.

2. If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.

3. Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action. He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.

E. Any school staff member(s) who in good faith reports an employee to the Principal or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

N.J.S.A. 2C:33-15 et seq.
N.J.S.A. 24:21-2 et seq.
42 C.F.R. II
34 C.F.R. 85.600 et seq.
20 U.S.C.A. 1145g, 3224a
41 U.S.C.A. 701 et seq.

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R 4220 EVALUATION OF SUPPORT STAFF MEMBERS

A. Evaluator

The observation and evaluation of support staff members will be conducted by the employee's immediate supervisor, as specified by the Superintendent.

B. Evaluation Criteria

1. Evaluation criteria for each position will derive from the job description for the position and relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:

   a. Briefly stated and focused on major responsibilities of the position as well as the employee's attitude towards the job and his/her interpersonal relations on the job;

   b. Based on observable information rather than on factors requiring subjective judgment;

   c. Generic, covering a number of specific positions;

   d. Designed to make note of an employee's strengths as well as weaknesses; and

   e. Written in the same format and in a direct, simple style.

2. Maintenance of job evaluation criteria will be the responsibility of the Superintendent. Evaluation criteria will be reviewed, and

   a. Whenever the corresponding job description is revised, or

   b. On the request of a majority of persons holding a particular job.

3. Each support staff member will be sent a copy of the current evaluation criteria for his/her position by the Superintendent. Any revisions will be provided to each holder of that job within thirty working days of its adoption.

4. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

C. Collection of Evaluation Data

Data will be gathered by any one or more of the following evaluation methods:

1. Direct observation of the support staff member in the course of performing an assigned duty;

2. Review of a product from the support staff member that results from the performance of his/her assigned duties;

3. Interviews of the support staff member regarding his/her knowledge of assigned duties;

4. Paper and pencil instruments such as competency tests;

5. Audio visual monitoring of the support staff member in the performance of his/her assigned duties; and

6. Reference to previous performance reports.

D. Observation Frequency

1. Support staff members will be evaluated at least one time annually.

E. Evaluation Procedures

1. Each observation will total not less than fifteen minutes. The evaluator shall record each separate instance of observation and the activity observed.

2. Each observation will be recorded.

3. A written evaluation of each support staff member will be prepared by the observer and will be based, at least in part, on the observation(s) conducted.

4. A copy of the evaluation will be sent to the employee at least seventy-two hours prior to the evaluation conference.

5. The employee and the evaluator shall hold a conference to discuss the evaluation report during which the evaluator shall point out both the weaknesses and strengths of the employee.

6. Both the evaluator and the employee shall sign each copy of the evaluation report. By signing the evaluation report the employee implies only that he/she has read and understands the document.



7. The employee may prepare a written disclaimer to the evaluation report which will be appended to the report provided it is received by the evaluator not more than ten working days following the conference.

8. The Superintendent shall retain copies of the evaluation report.

F. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared for each support staff member to correct deficiencies and to encourage improvement.

2. Performance improvement plans will derive from the applicable evaluation criteria and focus on weaknesses identified in the evaluation report.

3. The Individual Performance Improvement Plan will be prepared in cooperation with the employee whenever possible and shall include:

   a. Areas of required growth,

   b. Methods of achieving that growth,

   c. A schedule for implementation of those methods, and

   d. The responsibility of the support staff member and the district for implementing the plan.

4. At the time a Performance Improvement Plan is prepared, a review will also be made of the effort by the staff member to achieve the prior year's plan. The degree to which the employee achieved the requirements of the previous plan will be a measure of his/her performance.

5. Copies of the Individual Performance Improvement Plan will be attached to the employee's evaluation report, given to the support staff member, and filed with the Superintendent's office.

6. It is the duty of the support staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action, including, where appropriate, dismissal.

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R 4230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment only when such employment does not:

   a. Constitute a conflict of interest,

   b. Occur at a time when the employee has assigned district duties, or

   c. Diminish the employee's efficiency in performing assigned district duties.

2. A full-time employee who engages in employment outside the district shall report that employment to the immediate supervisor.

B. Private Enterprise

1. No employee may conduct activities on school district property designed to advance a private enterprise without the express permission of the immediate supervisor. Permission will not be given for solicitations or collections on behalf of a private enterprise.

2. No employee may, on school premises, advertise, recruit, or finance activities for pupils other than those expressly approved by the Board of Education. School property may not be used as the point of departure or arrival for any such privately arranged activity.

C. Outside Associations

Employees should avoid conduct and associations off the job that, if known, would have an adverse or harmful effect upon pupils or the instructional program.

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R 4233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;

2. Distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;

3. Collection of and solicitation for campaign funds;

4. Solicitation for campaign workers;

5. Use of pupils for writing or addressing political materials or the distribution of such materials to or by pupils;

6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used on election day as a polling place; and

7. Any activity in the presence of pupils while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The conduct of employee elections and any campaigning connected with those elections is permitted on school premises.

C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

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R 4240 EMPLOYEE TRAINING

A. Programs of Job Skills Improvement

1. The purpose of job skills improvement programs is to increase the knowledge, proficiency, ability, and skills of support staff employees.

2. Training programs will be structured to meet the immediate needs of the district as well as the personal goals of the employees.

3. Training programs for support staff members shall be developed by the Superintendent and/or School Business Administrator/Board Secretary for implementation.

B. Determination of Training Needs

1. The Principal and supervisors shall annually inventory the training needs of the employees under their supervision by determining whether:

   a. Assignments are being carried out in a systematic and effective manner,

   b. Policies of the Board and regulations of the district are being properly implemented,

   c. Employee evaluations indicate a need for improvement,

   d. Excessive waste or damage is occurring or safety methods are not being followed,

   e. Employees have an opportunity to express their views on the manner in which assignments are performed, and

   f. Career advancement training opportunities are available to employees.

2. The immediate supervisor shall prepare a report of the training needs for the review of the Superintendent and School Business Administrator/Board Secretary that shows:

   a. Identified needs determined from the inventory;

   b. Current programs that meet identified needs and areas in which current programs do not meet identified needs;

c. Recommendations for on-the-job training procedures in areas in which a need is identified and no current program is available, and

d. Recommendations for the use of off-the-job training programs known to meet district needs.

C. On-the-Job Training

1. On-the-job training is that given to employees while they are at their assigned work stations.

2. On-the-job training shall be directed primarily to new employees and those whose job responsibilities have been changed.

3. Scheduling of training on the job will be the responsibility of the Superintendent and/or School Business Administrator/Board Secretary.

4. The outcome of training on the job should be a higher level of performance by each affected employee.

D. Off-the-Job Training

1. Off-the-job training is that attended by employees during or after their regular job assignments but away from their assigned work stations.

2. Training off the job should generally be directed to those employees who have specialized workplace needs.

3. Suitable training programs shall be identified for support staff employees by the Superintendent with approval of costs by the School Business Administrator/ Board Secretary.

4. Scheduling of off-the-job training will be the responsibility of the immediate supervisor.

5. Allowable fees for attendance at off-the-job training programs shall be reimbursed upon the submission of an expense voucher to the School Business Administrator/Board Secretary in accordance with Policy No. 6471.

6. Employees who are recompensed for costs of off-the-job training are expected to continue in their employment for at least one year. Prorata reimbursement will be required for shorter periods of employment.

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R 4281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 4281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

A. Definitions

1. "Building Principal" is the Principal of the building where the staff member is assigned.

2. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.

3. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

4. The "immediate supervisor" for support staff members may be a Building Principal, a member of the school district's non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.

5. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil's clothing or physical appearance, comments with sexual overtones, comments regarding a pupil's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.

6. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a staff member, corporal punishment, requesting a pupil to expose private parts of

their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. "Inappropriate conduct" does not include a hug initiated by a pupil as a sign of the pupil's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.

8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.

9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.

10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.

12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.

13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.

14. "Unannounced or uninvited visit" is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal.

2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal.

3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal.

4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Building Principal.

6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.



7. School staff having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report.

C. Investigation of Reports

1. An immediate supervisor or person who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Superintendent.

2. The School Business Administrator/Board Secretary will begin a prompt and thorough investigation of every report.

3. The School Business Administrator/Board Secretary or the Superintendent will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services if there is reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The School Business Administrator/Board Secretary will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the School Business Administrator/Board Secretary received the report.

2. The School Business Administrator/Board Secretary's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.

3. The School Business Administrator/Board Secretary will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.

4. If, based on a preliminary investigation, the School Business Administrator/Board Secretary determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The School Business Administrator/Board Secretary will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.

5. If, based on a preliminary investigation, the School Business Administrator/Board Secretary deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.

E. Full Investigation

1. The School Business Administrator/Board Secretary, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 and/or local law enforcement.

2. The School Business Administrator/Board Secretary will conduct the full investigation if the Division of Youth and Family Services and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-10.2 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.

3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or

would have reason to know, a staff member may have engaged in inappropriate staff conduct.

4. The School Business Administrator/Board Secretary will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony and evidence to the School Business Administrator/Board Secretary relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent.

6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the School Business Administrator/Board Secretary will prepare a written report to the Superintendent. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the School Business Administrator/Board Secretary.

7. If the School Business Administrator/Board Secretary's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report's findings, the School Business Administrator/Board Secretary will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.

8. If the School Business Administrator/Board Secretary's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:

   a. Provide the staff member an opportunity to rebut the findings of the School Business Administrator/Board Secretary's full investigation report and findings;

   b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;

   c. Not recommend the staff member be re-appointed for the next school year;

d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;

e. Institute tenure charges (if applicable) in accordance with N.J.A.C. 6A:3-5 – Charges Under Tenure Employees' Hearing Act; and/or

f. Recommend to the Board of Education any other disciplinary measures as the Superintendent determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.

9. If the Superintendent does not concur with the findings of the School Business Administrator/Board Secretary's full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the School Business Administrator/Board Secretary, a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.

10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

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R 4321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY SUPPORT STAFF MEMBERS

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The "system administrators" referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, support staff members must adhere to strict regulations. Regulations are provided here so that support staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Support staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing support staff members behavior and communications apply. The school district's network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to support staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the Technology Coordinator and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/ computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to

Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Support staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise pupil use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Support staff members should discipline pupils knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform pupils that such activities may result in termination of such pupils' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

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

Users agree to indemnify the Essex Fells School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to support staff members as an educational resource. No support staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer

viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take

other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject

to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A

canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Disk Usage

The system administrators reserve the right to set quotas for server usage on the system. A member who exceeds his/her quota of server space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of server space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or

of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 4321, Support Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 4150, Support Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Technology Coordinator in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities deemed to be the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;

5. Revocation of computer privileges;
6. Suspension from employment;
7. Legal action and prosecution by the authorities.

Decisions of the Technology Coordinator may be appealed in accordance with the appropriate employee grievance procedure.

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R 4425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – SUPPORT STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in the school building and in the Coordinator's office.

2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or the workers' compensation physician.

   a. In the event the injury requires immediate medical treatment, the staff member may be directed to the workers' compensation physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.

   b. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:

      (1) Go to the hospital emergency room; and

      (2) Notify their immediate supervisor as soon as possible after the injury.

   c. In the event the injured staff member goes to the hospital emergency room when school is closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.

d. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:

(1) Immediately notify their immediate supervisor; and

(2) Notify the Coordinator's office the next business day.

3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.

a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.

4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.

5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.

B. Physician's Workers' Compensation Examination and Evaluation

1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.

2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.

3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.

2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.

3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.

4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.

5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.

6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.

2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.

4. There is no restriction on the school district location or the type of modified duties assigned to a staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.

5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.

2. Staff members are required to follow the Coordinator's directives regarding:

   a. Job assignments and tasks;

   b. Attending scheduled doctors' appointments; and

   c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

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R 4432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:

   a. Personal disability due to the employee's illness or injury;

   b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease; or

   c. The employee's having been quarantined for a contagious disease in his/her immediate household.

2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:

   a. Has engaged in or prepared for gainful employment with an employer other than the Board;

   b. Has participated in a concerted work stoppage; or

   c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify his/her immediate supervisor no later than the day before the absence, to allow sufficient time for the securing of any substitute services that may be required.

2. Notice of the disability should include a reasonable estimate of the duration of the disability.

3. An employee who becomes aware of his/her disability on the morning of the absence must call the Administrative Assistant at the home number between the hours of 6:00 a.m. and 7:30 a.m.

4. An employee who becomes disabled during the school day must so inform the Superintendent/Principal as promptly as possible and request permission to leave the school premises.

5. In all instances, the employee should call personally to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B.

   a. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 2:00 p.m.

   b. A school bus driver who reports a disability after the morning bus runs are completed will be charged only one-half a sick leave day.

2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Superintendent/Principal.

3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.

4. An employee scheduled for a sick leave absence on a day on which the school does not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

D. Verification of Sick Leave

1. An employee absent for reasons of disability more than three consecutive working days or more than five cumulative working days in any one month shall submit the signed statement of his/her physician indicating:

   a. The reason for the employee's absence, as personally known to the physician, and

b. If the employee is not immediately returning to work, the anticipated duration of the employee's disability.

2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph D2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's disability on days claimed for sick leave.

E. Readmission After Disability

1. An employee who wishes to return to work after sick leave of more than three consecutive working days or more than five cumulative working days in any one month shall submit a signed statement of his/her physician indicating the employee's fitness to perform his/her duties.

2. The Superintendent/Principal may, in his/her discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph D2 is inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's fitness to return to service.

F. Exhaustion of Sick Leave

1. The Superintendent/Principal and Administrative Assistant will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 4432 and this regulation.

2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled within thirty working days, the Superintendent/Principal will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.

3. A request for the extension of sick leave should be submitted to the Superintendent/Principal at least forty-five working days in advance of the next Board meeting. The request must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.

4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence, during which the employee will receive no compensation or benefits, pursuant to Policy No. 4431.

5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case by case basis.

G. Accumulation of Sick Leave

1. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's bank of accumulated sick leave.

2. At the beginning of each contract year, up to twelve days of sick leave newly available but unused in the prior contract year will be carried forward and credited to a full-time employee's bank of sick leave.

3. The unused sick leave of part-time employees will be accumulated on the basis of hours of work rather than days of work.

   a. At the close of each contract year, the number of sick leave days not used by a part-time employee will be multiplied by the number of hours the employee worked in each day or, if the employee worked irregular hours, the average number of hours in each contract day.

b. At the beginning of the following contract year, the total number of hours accumulated will be divided by the number of hours, or average number of hours, to be worked in each contract day. The result constitutes the number of accrued sick leave days the employee may claim when he/she has exhausted the sick leave days available in the current contract year.

c. When a part-time employee, continuously employed in the district, is employed full-time, his/her accumulated sick leave hours will be divided by the number of hours in a full working day, and the dividend will be multiplied by the number of days he/she worked each week as a part-time employee. The product will be divided by five, the number of days in a full-time week. The resulting number, rounded up to the next full day, represents the number of accrued sick leave days in the employee's sick leave bank.

H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 4211.

2. Each employee's attendance record will record the reason for any absence.

3. The attendance record will include the accumulated unused sick leave in the employee's sick leave bank.

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R 5000 STUDENTS

Number	Title
R 5111	Eligibility of Resident/Nonresident Students (M)
R 5116	Education of Homeless Children
R 5200	Attendance (M)
R 5230	Late Arrival and Early Dismissal
R 5240	Tardiness
R 5306	Health Services to Nonpublic Schools (M)
R 5308	Student Health Records (M)
R 5310	Health Services (M)
R 5320	Immunization
R 5330	Administration of Medication (M)
R 5331	Management of Food and Life-Threatening Allergies in School (M)
R 5338	Diabetes Management (M)
R 5350	Student Suicide
R 5410	Promotion and Retention (M)
R 5500	Expectations for Pupil Conduct
R 5512	Harassment, Intimidation, or Bullying Investigation Procedure (M)
R 5513	Care of School Property (M)
R 5516	Use of Electronic Communication Devices
R 5530	Substance Abuse (M)
R 5533	Student Smoking
R 5550	Disaffected Students (M)
R 5560	Disruptive Students (M)
R 5561	Use of Physical Restraint
R 5570	Sportsmanship
R 5600	Pupil Discipline/Code of Conduct (M)
R 5610	Suspension Procedures
R 5611	Removal of Pupils From The General Education Program for Weapons/Firearms Offenses (M)
R 5750	Equal Educational Opportunity Complaint Procedure (M)
R 5751	Sexual Harassment of Students (M)

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

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.

(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 is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.

b. A student is domiciled in the school district when 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.

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 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:

(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.

   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.

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 purpose 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.

      (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.

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 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).

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 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-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

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:

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.1. 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.

   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.

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;

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 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.

    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 of Education has filed a counterclaim for tuition, the counterclaim

shall proceed to a hearing notwithstanding that the petition has been abandoned.

b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.

3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.

4. Nothing in N.J.A.C. 6A:22, 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 or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Adopted: 13 December 2023



R 5116 EDUCATION OF HOMELESS CHILDREN

A. Definitions – N.J.A.C. 6A:17-1.2

1. "Best interest determination" means the school placement decision made by Division of Child Protection and Permanency (DCP&P) based on the factors considered, as set forth at N.J.S.A. 30:4C-26b.

2. "Career or technical education" or "CTE" means as defined in N.J.A.C. 6A:19-1.2.

3. "DCP&P" means the Division of Child Protection and Permanency, which is a division in the New Jersey Department of Children and Families (DCF) that is responsible for the placement of children in resource family care, pursuant to N.J.S.A. 30:4C-26b.

4. "Educational stability school district notification" means the notification provided by DCP&P to the school district, pursuant to N.J.S.A. 30:4C-26b.h.

5. "Enroll" or "enrollment" means attending classes and participating fully in school activities.

6. "Homeless child" means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12, N.J.A.C. 6A:17-2.2, and B. below.

7. "Immediate" or "immediately" means at the instant the need for placement is made known.

8. "Parent" means the natural or adoptive parent, legal guardian, resource family care parent, surrogate parent, or person acting in the place of a parent, such as the person with whom the child legally resides or a person legally responsible for the child's welfare.

9. "Point of contact" means the employee identified in each school district who facilitates all activities needed to ensure enrollment and attendance of children in resource family care.

10. "Resource family care" means twenty-four-hour substitute care for children placed away from their parent(s) and for whom DCP&P has placement and

care responsibility. The term is synonymous with "foster care" as defined in the Federal Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), and includes "resource family home" found elsewhere in the New Jersey Administrative Code and in the New Jersey Statutes Annotated.

11. "School district liaison for the education of homeless children and youths" means the person identified in each school district who facilitates all activities needed to ensure the enrollment and attendance of homeless children and youths.

12. "School district of residence" for a homeless child or youth means the school district in which the parent of a homeless child or youth resided prior to becoming homeless. It may not be the school district in which the student currently resides. This term is synonymous with "school district or origin" referenced in the McKinney-Vento Homeless Education Assistance Act. "School district of residence" for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides, pursuant to N.J.S.A. 18A:7B-12.b. In the case of a child placed in resource family care prior to September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the "school district of residence" means the school district in which the resource family care parent(s) resides. In the case of a child placed in resource family care on or after September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the "school district of resident" means the present school district of residence of the parent(s) with whom the child lived prior to the most recent placement in resource family care.

13. "School of origin" for a child in resource family care means the school district in which a child was enrolled prior to a change in the child's care, custody, or guardianship. If a child's resource family care placement changes, the school or origin would then be considered the school district in which the child is enrolled at the time of the placement change.

14. "State agency" means the New Jersey Department of Human Services, the New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.

15. "State facility" means residential and day programs operated by, contracted with, or specified by the New Jersey Department of Human Services, the

New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.

16. "Transitional living facility" means a temporary facility that provides housing to a child due to domestic violence, pursuant to N.J.S.A. 18A:7B-12.1.

17. "Unaccompanied youth" means a youth not in the physical custody of a parent at the time of enrollment.

B. Determination of Homelessness – N.J.A.C. 6A:17-2.2

1. The Board of Education for the school district of residence shall determine that a child or youth is homeless for the purposes of N.J.A.C. 6A:17-2, Policy 5116, and this Regulation when the child or youth resides in any of the following:

a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;

b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;

c. The residence of relatives or friends where the homeless child or youth resides out of necessity because their family lacks a regular or permanent residence of its own; or

d. Substandard housing.

C. Responsibilities of the School District of Residence – N.J.A.C. 6A:17-2.3

1. The school district of residence for a homeless child or youth shall be responsible for the education of the child and shall:

a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5 and E. below;

b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and

c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.

2. The determination of the homeless child's or youth's school district of residence shall be made by the Superintendent of the school district of residence or designee, pursuant to N.J.A.C. 6A:17-2.4 and D. below based upon information received from the parent, a shelter provider, another school district, or an involved agency.

3. The school district identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child or youth shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.

D. Designation of School District Liaisons and Their Responsibilities – N.J.A.C. 6A:17-2.4

1. The Superintendent identifies _____ as the school district liaison for the education of homeless children or youths. The school district liaison shall:

a. Facilitate communication and cooperation between the school district of residence and the school district where the homeless child or youth resides;

b. Develop procedures to ensure a homeless child or youth residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5 and E. below;

c. Ensure homeless families, children, and youths receive educational services for which they are eligible, including Head Start programs,

preschool programs administered by the Board, and referrals to health care, dental, mental health, and other appropriate services;

d. Inform parents of homeless children and youths of the educational and related opportunities available to their children and ensure that parents are provided with meaningful opportunities to participate in the education of their children;

e. Ensure that public notice of the educational rights of homeless children and youths is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;

f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7 and G. below;

g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5 and E. below;

h. Assist the parent to obtain the homeless child's or youth's medical records or required immunizations; and

i. Assist an unaccompanied youth to ensure the youth is enrolled in, and is receiving, all services pursuant to N.J.A.C. 6A:17, Policy 5116, and this Regulation.

2. When a homeless child or youth resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, a shelter director, or an involved agency.

3. Upon notification of the need for enrollment of a homeless child or youth, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child, pursuant to N.J.A.C. 6A:17-2.5(b) and E.2. below.

E. School District Enrollment – N.J.A.C. 6A:17-2.5

1. The Superintendent of the school district of residence or designee shall decide in which school district the homeless child or youth shall be enrolled as follows:

   a. Enroll the homeless child or youth in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's or youth's parent;

   b. Continue the homeless child's or youth's education in the school district of last attendance if it is not the school district of residence; or

   c. Enroll the homeless child in the school district where the child resides.

2. The Superintendent of the school district of residence or designee shall decide the school district of enrollment of a homeless child or youth based on what is determined to be in the best interest of the child or youth after considering:

   a. The enrollment of the homeless child or youth in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's or youth's parent.

   b. The continuity of the child's educational program;

   c. The eligibility of the child for special instructional programs, including, but not limited to, bilingual, gifted and talented, special education, early childhood, and career and technical education programs; and

   d. The distance, travel time, and safety factors in coordinating transportation services from the residence to the school.

3. The Superintendent of the school district of residence or designee shall determine the child's or youth's school district of enrollment immediately after consultation with the parent. The school district of residence shall adhere to the following procedures:

   a. Enrollment decisions shall be made immediately upon notification of the need for enrollment. When the decision is made, the child or youth shall be enrolled immediately. If a dispute arises regarding

enrollment of a homeless child or youth, the homeless child or youth

shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7 and G. below.

b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall be documented in writing.

c. A decision to enroll a homeless child or youth in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.

4. When a decision is made to enroll the child or youth in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32-7.

5. When a homeless child or youth with a disability is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education.

6. When the school district of residence for a homeless child or youth cannot be determined, the Superintendent or designee of the school district in which the child or youth currently resides shall enroll the child or youth immediately in the school district of the current residence or the school district of last attendance.

7. The school district selected pursuant to N.J.A.C. 6A:17-2, Policy 5116, and this Regulation shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.

8. Enrollment in the school district of residence; enrollment in the school district of last attendance, if not the school district of residence; or enrollment in the school district where the child or youth resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if

the homeless child or youth becomes permanently housed during the academic year.

F. Parental Rights – N.J.A.C. 6A:17-2.6

1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2, Policy 5116, and this Regulation.

G. Disputes and Appeals – N.J.A.C. 6A:17-2.7

1. When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or designee(s) of the involved school district(s) or the child's or youth's parent(s) shall immediately notify the Executive County Superintendent. In consultation with the New Jersey Department of Education's (NJDOE) McKinney-Vento Homeless Education Coordinator or the Coordinator's designee, the Executive County Superintendent shall immediately decide the child's or youth's status. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

2. When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent. The Executive County Superintendent shall make a determination immediately, if possible, but no later than within forty-eight hours and, when necessary, in consultation with the NJDOE's Homeless Education Coordinator, or the Coordinator's designee.

   a. If the dispute regarding determination of the school district of residence does not involve the determination of homelessness and/or school district of enrollment, the school district disputing the Executive County Superintendent's determination may appeal to the NJDOE pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Finance.

   b. If an appeal of a determination of the school district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the

Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

3. Any dispute or appeal shall not delay the homeless child's or youth's immediate enrollment or continued enrollment in the school district. The homeless child or youth shall be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal.

4. Disputes and appeals involving the services provided to a homeless child or youth with a disability shall be made pursuant to N.J.A.C. 6A:14.

H. Tuition – N.J.A.C. 6A:17-2.8

1. When the homeless child or youth is enrolled in a school district other than the school district of residence, the school district of residence shall pay to the school district of enrollment the tuition costs pursuant to N.J.S.A. 18A:38-19 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence or the school district in which the parent has been deemed domiciled shall pay tuition to the school district of enrollment.

2. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence or the school district in which the parent has been deemed domiciled shall list the student on its ASSA.

3. The State shall assume fiscal responsibility for the tuition of the child or youth pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child or youth is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d., under the following circumstances:

a. If the school district of residence cannot be determined for the homeless child or youth;

b. If the school district of residence is outside of the State; or

c. If a child or youth resides in a domestic violence shelter, homeless shelter, or transitional living facility located in a school district other than the school district of residence for more than a year during the placement pursuant to N.J.S.A. 18A:7B-12.d. and 12.1.

4. When the State assumes fiscal responsibility for the tuition of a homeless child or youth under the circumstances at N.J.A.C. 6A:17-2.8(c) and H.3. above, the State shall pay to the school district in which the child or youth is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49 and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

Issued: 13 December 2023



R 5200 ATTENDANCE

A. Attendance Recording

1. School Register – N.J.A.C. 6A:32-8.1

a. The Board of Education shall carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic format of the school district's choosing.

b. The Commissioner of Education will issue and publish on the New Jersey Department of Education's (NJDOE) website guidance for recording student attendance in all public schools of the State operated by district Boards, except adult high schools.

c. Student attendance shall be recorded in the school register during school hours on each day in session, pursuant to N.J.A.C. 6A:32-8.3. An employee designated by the Superintendent shall keep in the school register, attendance of all students, and shall maintain the attendance records in accordance with N.J.A.C. 6A:32-8 and the guidance issued by the Commissioner in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above.

d. A student who has been placed on home instruction shall have their attendance status recorded on the regular register for the program in which the student is enrolled. The student shall be marked absent for the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement. Absences shall not be recorded for the student while on home instruction, provided the hours of instruction are no less than required by N.J.A.C. 6A:14-4.8 and 4.9 and N.J.A.C. 6A:16-10.1 and 10.2. The number of possible days in membership for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

(1) "Days in membership" means the number of school days in session in which a student is enrolled in accordance with N.J.A.C. 6A:32-2.1. A student's membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.

2. Day in Session – N.J.A.C. 6A:32-8.3

a. A day in session shall be a day on which the school is scheduled to provide instruction and students are under the guidance and direction of a teacher(s) engaged in the teaching process. A day on which school is closed for reasons such as holidays and teachers' institutes, or inclement weather not under conditions set forth at N.J.A.C. 6A:32-13, shall not be considered a day in session.

b. A day in session shall consist of not less than four hours, exclusive of recess and lunch periods, except that one continuous session of two and one-half hours may be considered a full day in Kindergarten.

3. Student Attendance – N.J.A.C. 6A:32-8.4

a. For all State attendance submissions, a student shall be recorded as present, absent, or excused for a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below, on every day the school is in session after the student enrolls until the date the student is transferred to another school or officially leaves the school district.

b. A record of attendance of all students shall be kept in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above. The employee designated by the Superintendent shall keep the attendance records according to N.J.A.C. 6A:32-8 and the guidance issued by the Commissioner in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above.

c. A student enrolled in a school shall be recorded in the school register as present if the student participates in instruction or instruction-related activities for at least half a day in session whether the student is physically on school grounds, at an approved off-grounds location, or in a virtual or remote instruction setting, pursuant to N.J.A.C. 6A:32-13.



d. A student enrolled in a school who is not participating in instruction or instruction-related activities pursuant to N.J.A.C. 6A:32-8.4(c) and A.3.c. above shall be recorded in the school register as absent, unless the student is recorded as a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below.

e. State-excused absences shall be as follows:

(1) Religious observance, pursuant to N.J.S.A. 18A:36-14, 15, and 16.

(a) The Commissioner, with approval of the State Board of Education, shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis;

(2) Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;

(3) Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;

(4) Take Our Children to Work Day;

(5) College visit(s), up to three days per school year for students in grades eleven and twelve;

(6) Closure of a busing school district that prevents a student from having transportation to the receiving school; and

(7) Attendance at a civic event, one day per school year for students in grades six through twelve, pursuant to N.J.S.A. 18A:36-33.2.



(a) "Civic event" means an event sponsored by a government entity, a community-based organization, or a nonprofit organization that incorporates elements of service learning whereby students learn and develop through organized service. A civic event shall address an issue of public concern such as community health and safety or environmental, economic, or community well-being in accordance with N.J.S.A. 18A:36-33.1.

(b) The parent of a student shall provide a signed written notice of an intended excused absence to attend a civic event at least five school days in advance of the intended excused absence and such other documentation as the Superintendent deems necessary to prove that the student meets the requirements for an excused absence pursuant to N.J.S.A. 18A:36-33.2.b.

f. For absences that do not meet the criteria at N.J.A.C. 6A:32-8.4(e) and A.3.e. above, the Board may adopt policies that establish locally approved or excused absences consistent with N.J.A.C. 6A:16-7.6 for the purpose of expectations and consequences regarding truancy, student conduct, promotion, retention, and the award of course credit. However, an absence designated as excused by the Board pursuant to N.J.A.C. 6A:16-7.6 shall be considered as an absence in the submission to the State for the purpose of chronic absenteeism reporting, as set forth at N.J.A.C. 6A:32-8.6.

4. Average Daily Attendance – N.J.A.C. 6A:32-8.5

The average daily attendance rate in a district school or program of instruction for a school year shall be the total number of the days present of all enrolled students, divided by the number of days in membership of all enrolled students. The student average daily attendance means the total number of days that a student is present in the school divided by the total possible number of days in session.

5. Absentee and Chronic Absenteeism Rates – N.J.A.C. 6A:32-8.6

a. A student's absentee rate shall be determined by subtracting the student's total number of days present from the student's days in membership and dividing the result by the student's days in membership.

(1) State-excused absences shall not be included in a student's days in membership for purposes of calculating a student's absentee rate.

b. If a student's absentee rate is equal to or greater than ten percent, the student shall be identified as chronically absent.

c. Each school with ten percent or more of its enrolled students identified as chronically absent shall develop a corrective action plan to improve absenteeism rates. In accordance with N.J.S.A. 18A:38-25.1, the school will annually review and revise the corrective action plan and present the revisions to the Board, until the percentage of students who are chronically absent is less than ten percent.

B. Unexcused Absences That Count Toward Truancy/Excused Absences for Board Policy

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, retention, and the award of course credit is a Board decision outlined in Policy 5200 – Attendance and this Regulation.

2. N.J.A.C. 6A:16-7.6(a)3 requires the Board policies and procedures contain, at a minimum, a definition of unexcused absence that counts toward truancy, student conduct, promotion, retention, and the award of course credit.

a. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined in B.2.b. below.

b. "An excused absence" is a student's absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:

The student's illness supported by a written letter from the parent upon student's return to school;

The student's illness supported by notification to the school by the student's parent;

The student's required attendance in court;

Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 USC §794 and 705(20), and individualized health care plans;

The student's suspension from school;

Family illness or death supported by a written letter from the parent upon the student's return to school;

Family illness or death supported by notification to the school by the student's parent;

Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;

Take Our Children to Work Day;

Religious observance, pursuant to N.J.S.A. 18A:36-14 through 16;

Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;

Attendance at a civic event(s), pursuant to N.J.S.A. 18A:36-33.2;

An absence considered excused by the Commissioner and/or a NJDOE rule;

An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student's parent stating the reason for the absence and requesting permission for the absence to be an excused absence;

3. "Unexcused tardiness" may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240 – Tardiness.

C. Notice to School of a Student's Absence

1. The parent or adult student shall notify the school office before the school day when the student will not be in school. However, notice for attendance at a civic event shall be provided in accordance with the procedure set forth in N.J.S.A. 18A:36-33.2.b. and A.3.e.(7)(b) above.

2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session shall provide notice to the school office before the start of the afternoon session.

3. The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.

4. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student's absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student's parent to notify the parent of the absence and determine the reason for the absence.

D. Readmission to School After an Absence

1. A student returning from an absence of three consecutive school days will be required to provide a written statement to the Principal or designee that is dated and signed by the parent or adult student listing the reason for the absence.

2. A student who has been absent by reason of having or being suspected of having a communicable disease may be required to present to the school nurse written evidence of being free of a communicable disease.

3. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school.



a. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

E. Instruction

1. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.

2. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up the work missed.

3. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.

4. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412 – Home Instruction Due to Health Condition. The parent must request home instruction.

F. Denial of Course Credit

1. The teacher will determine the credit to be awarded a student for make-up work. Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from school will not adversely affect the student's grade. The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.

2. An elementary student may be retained at grade level, in accordance with Policy 5410 – Promotion and Retention, when the student has been absent 18 (number, fraction, or percentage) or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total.

Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.

G. School District Response To Unexcused Absences During the School Year That Count Toward Truancy – N.J.A.C. 6A:16-7.6(a)4.

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:

   a. Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;

   b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;

   c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;

   d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and

   e. Cooperate with law enforcement and other authorities and agencies, as appropriate;

2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:

   a. Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;

   b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;

   c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and G.1.c. above;



d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:

(1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;

(2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;

(3) Consider an alternate educational placement;

(4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;

(5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and G.4. below;

(6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and

(7) Engage the student's family.

e. Cooperate with law enforcement and other authorities and agencies, as appropriate.

3. For cumulative unexcused absences of ten or more that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:

a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and G.4. below;

b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;

c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and

d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required; and

4. A court referral may be made as follows:

a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court;

(1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or

b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g., the student may be referred to Superior Court, Chancery Division, Family Part;

(1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.

5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's Individual Education Program (IEP), pursuant to 20 USC §1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 USC §794 and 705(20); and individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b)3.xii.

6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and G.1. above for each student with up to four cumulative unexcused absences that count toward truancy.



a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.

(1) The sending school district shall proceed in accordance with the Board's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and G.2. through G.4. above and N.J.A.C. 6A:16-7.6(b) and G.5. above, as appropriate.

H. Discipline

1. Students may be denied participation in co-curricular activities and/or athletic competition if the Board establishes attendance standards for participation.

2. No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

I. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.

2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy 5200 – Attendance and this Regulation.

3. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

J. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.



2. A parent of a student or an adult student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410 – Promotion and Retention.

3. A parent of a student or an adult student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:

   a. A written appeal shall be filed with the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.

   b. The Principal or designee will respond in writing no later than seven school days after receiving the written appeal.

   c. If the parent or adult student is not satisfied, the parent or adult student may submit a written request to the Principal for consideration by an Attendance Review Committee.

   d. In response to a request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the appeal. The student's parent, the student, and teacher(s) may attend the meeting.

   e. The Attendance Review Committee shall decide the appeal and inform the parent and student in writing within seven school days of the meeting.

   f. The parent or adult student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board, and the Commissioner in accordance with Policy 5710 – Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

K. Attendance Records

1. Attendance records for the school district and each school will be maintained and attendance rates will be calculated as required by the NJDOE. The school district will comply with all attendance requirements and any improvement plans as required by the NJDOE.

Adopted: 18 September 2024

R 5230 LATE ARRIVAL AND EARLY DISMISSAL

A. Definitions

1. "Late arrival" means the arrival of a pupil after the beginning of the pupil's school day for an excused purpose. A late arrival is not an instance of tardiness for the purpose of applying Regulation No. 5240.

2 "Early dismissal" means the release of a pupil from school prior to the end of the pupil's school day for an excused purpose; "early dismissal" includes the release of a pupil for a period of time that occurs during the pupil's school day. An early dismissal is not an absence for the purpose of applying Regulation No. 5200.

3. "Dismissal from class" means a pupil's brief absence from his/her assigned class for a reason that has been approved in advance. A "dismissal from class" is not a class "cut" for the purpose of applying Regulation No. 5200.

B. Acceptable Excuses

The following circumstances justify a pupil's late arrival. The list is not meant to be exhaustive, and the Principal should use his/her best judgment in determining whether or not there is good cause for the pupil's late arrival.

1. The pupil's disability from illness or injury, including any necessary emergency visits to a physician or dentist;

2. A bona fide family emergency;

3. The observance of a religious holiday;

4. Religious instruction;

5. Family emergency;

6. Medical or dental appointment that cannot be scheduled at a time other than during the school day;

7. Motor vehicle driver's examination that cannot be scheduled at a time other than during the school day;

8. The pupil's required attendance in court;

9. Private lessons in music, art, or dance or private practice sessions in preparation for competitive events, such as in figure skating or gymnastics; and

10. An interview with a prospective employer or with an admissions officer of an institution of higher education.

C. Late Arrival

1. The parent(s) or legal guardian(s) or adult pupil shall submit a written request for approval of a late arrival to the Main office. The request must include the reason for the pupil's late arrival and a statement of why it is necessary to delay the pupil's arrival at school.

2. A pupil who arrives late at school shall report to the Main office and pick up a late arrival permission slip. The permission slip will include the date and the time of the pupil's arrival. The pupil will proceed to his/her assigned class and present the permission slip to the teaching staff member in charge, who will verify the date and time.

D. Early Dismissal Generally

1. A pupil's early dismissal must be approved by the Principal in advance. Except for emergencies, an early dismissal that is not approved in advance will be considered to be an absence.

2. The parent(s) or legal guardian(s) or adult pupil shall submit a written request for approval of an early dismissal to the Main office. The request must include the reason for the pupil's early dismissal and a statement of why it is necessary to excuse the pupil before the end of the pupil's school day.

3. A pupil must obtain an approved early dismissal permission slip from the Main office and present the slip to the teaching staff member in charge of the class or activity from which the pupil is to be dismissed. The permission slip will include the date and time of approved dismissal. The teaching staff member in charge must verify the date and time.

E. Early Dismissal for Illness or Injury

1. A pupil who suffers a significant illness or injury during the course of the school day will be treated in accordance with Policy and Regulation No. 8441.

2. A pupil who suffers a minor illness or injury will be sent to the school nurse.

3. If the school nurse determines that an elementary pupil should be sent home, the pupil's parent(s) or legal guardian(s) or the responsible adult designated by the parent(s) or legal guardian(s) will be telephoned to pick up the pupil.

4. No pupil shall be released from school before the end of the school day except in the presence of the pupil's parent(s) or legal guardian(s) or an agent of the parent(s) or legal guardian(s).

F. Early Dismissal for Family Emergency

1. A pupil's parent(s) or legal guardian(s), or caretaker may request the pupil's early release for a bona fide family emergency. Early dismissal for family emergency must be approved by the Principal.

2. A pupil will be released to a parent(s) or legal guardian(s) who reports to the school office and explains satisfactorily to the Principal that good and sufficient reason justifies the pupil's release from school before the end of the pupil's school day.

3. A pupil will be released to an agent of the parent(s) or legal guardian(s) provided the parent(s) or legal guardian(s), or a caretaker personally known to the Principal has requested the pupil's release by:

   a. Written request signed by the parent(s) or legal guardian(s), or caretaker and verified by telephone call to the signer, or

   b. A telephone call that is verified by a return telephone call to the pupil's residence or, if the call does not originate in the pupil's home, by interrogation of the caller to test his/her knowledge of specific facts about the pupil.

4. The Principal shall verify the identity of the agent to whom the pupil is released by examination of documents or by verification of characteristics supplied by the parent(s) or legal guardian(s), or caretaker.

5. If the Principal believes that a genuine emergency may exist but cannot verify the identity of the person who requests release of the pupil, the Principal shall arrange for the pupil's transportation by a school staff member directly to the custody of the parent(s) or legal guardian(s), or designated agent of the parent or legal guardian.

6. The Principal shall maintain a record of each pupil's parent(s) or legal guardian(s). The record shall include any legally sufficient notice given the Principal by a parent(s) or legal guardian(s) in sole custody that the noncustodial parent's access to the pupil has been limited. In the absence of such notice, the Principal shall presume that the pupil may be released into the care of either parent(s) or legal guardian(s).

Issued: 19 October 2011



R 5240 TARDINESS

A. Definitions

1. A pupil is tardy to school when the pupil reports to his/her assigned homeroom after the late bell rings without approval for the delay.

2. A pupil is tardy to class when the pupil reports to his/her assigned classroom or other place of instruction after the late bell rings without approval for the delay.

3. A pupil who is late to school or class for an excused purpose pursuant to Policy No. 5230 is not tardy for the purpose of this regulation.

B. Procedures for Tardy Arrivals

1. A pupil who is tardy to school must report to the Main office to present a written note explaining the reason for the tardiness. The pupil must sign in and receive a late pass for admission to class.

2. A pupil who is tardy to class may be sent by the teacher to the Main office to explain the reason for the tardiness and obtain a late pass for admission to class.

3. No pupil who arrives at school after attendance has been taken will be admitted to class without a late pass.

Issued: 19 October 2011

R 5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to pupils enrolled in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

A. Nursing services shall be provided to pupils enrolled in a nonpublic school as follows pursuant to N.J.S.A. 18A:40-23 et seq.:

1. Who are full-time based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;

2. The provision of services shall be only to pupils of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year;

3. The provision of nursing services as follows:

a. Assistance with medical examinations including dental screening;

b. Screening of hearing;

c. The maintenance of pupil health records and notification of local or county health officials of any pupil who has not been properly immunized.

4. Scoliosis examinations of pupils between the ages of ten and eighteen.

B. The Board of Education shall provide for the extension of emergency care provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4 and 2.1(a)4.

C. The Board of Education may provide additional services to those required under A. above under the following conditions:

1. Such additional medical services may only be provided when all basic nursing services required under A. and B. above have been provided or will be provided;

2. Such additional medical services may include the necessary equipment, materials, and services for immunizing pupils who are enrolled full-time in the nonpublic school from diseases as required by N.J.A.C. 8:57-4, Immunization of Pupils in School;

3. Equipment comparable to that in use in the school district may be purchased by the school district to loan without charge to the nonpublic school for the purpose of providing services under this section. However, such equipment shall remain the property of the district Board of Education; and

4. Costs of supplies comparable to that in use in the school district and transportation costs may be charged to the funds allocated for each participating nonpublic school provided that they are directly related to the provision of the required basic nursing services and additional medical services which may be provided.

D. Health services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor.

E. The health services provided to a nonpublic school pupil shall not include instructional services.

F. A nonpublic school may decline nursing services required under N.J.A.C. 6A:16-2.5 by submitting notification to the Board of Education signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29.

G. A pupil who is enrolled in a nonpublic school and whose parent(s) or legal guardian(s) objects to the pupil receiving any services provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

H. The Board of Education shall consider the provision of health services based upon the following:

1. The funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;

2. The provision of services shall be only to a pupil of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year; and

3. The funds expended by the Board of Education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.

I. The Superintendent or designee shall confer annually with the administrator of the nonpublic school for the following purposes:

1. To advise the nonpublic school of the amount of funds allocated to the nonpublic school by the Department of Education or otherwise made available by the school district for the provision of health services for the full-time pupils enrolled in the nonpublic schools;

2. To agree on the basic health services to be provided and additional medical services which may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;

3. To assure that in the event the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide assistance;

4. To assure that each nonpublic school which receives nursing services has a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and

5. To assure a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.

J. For the purposes of monitoring and recordkeeping, the Board of Education providing health services to nonpublic schools shall annually submit the following information to the County Superintendent of Education on or before October 1 and shall provide a copy to the Chief School Administrator of the nonpublic schools within school district boundaries:

1. A written statement verifying that the required conference was held with the nonpublic school;

2. A copy of the contract with another agency to provide the services, if applicable, and approved minutes of the Board of Education meeting approving the contract, which describes the methods by which the health services to nonpublic school pupils will be provided for the ensuing year, including a rationale for the distribution of funds; and

3. A description of the type and number of services that were provided during the previous school year on a form approved by the Commissioner of Education.

Issued: 19 October 2011



R 5308 STUDENT HEALTH RECORDS

Student health records shall be maintained for each student pursuant to N.J.A.C. 6A:16-2.4. Maintenance and security of student health records shall be in accordance with N.J.A.C. 6A:32-7.4.

A. Mandated Student Health Records

1. The district shall maintain for each student, pursuant to N.J.A.C. 6A:32, a student health record that includes the following mandated records:

   a. Findings of health histories, medical examinations, and health screenings pursuant to N.J.A.C. 6A:16-2.2 and 4.3; and

   b. Documentation of immunizations against communicable diseases or exemption from these immunizations pursuant to N.J.A.C. 8:57-4.1, 4.3, and 4.4.

2. The district will document the findings of student health histories, health screenings, and required medical examinations that are relevant to school participation on the student's health record using a form approved by the Commissioner of Education.

B. Maintenance and Security of Student Health Records

1. The school district shall maintain student health records in accordance with N.J.A.C. 6A:32-7.4 as follows:

   a. Student health records may be stored electronically or in paper format.

      (1) When student health records are stored electronically, proper security and backup procedures shall be administered;

   b. Student health records, whether stored on paper or electronically, shall be maintained in accordance with N.J.A.C. 6A:32-7.1(l).

      (1) Student health records shall be maintained separately from other student records. Student health records also shall be maintained in accordance with the requirements of N.J.A.C. 6A:32-7 until such time as graduation or termination from the

district, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

c. Student health records shall be accessible during the hours in which the school program is in operation.

C. Transferring Student Health Records

The school district shall ensure compliance with the requirements of N.J.A.C. 6A:32-7 – Student Records and Policy and Regulation 8330 when transferring student health records.

D. Restrictions for Sharing Student Health Information

1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing information as required by Federal and State statutes and regulations.

   a. Information that identifies a student as having HIV infection or AIDS shall be shared only with prior written informed consent of the student age twelve or greater, or of the student's parent as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the student.

   b. Information obtained by the school's alcohol and other drug program that would identify the student as an alcohol or other drug user may be disclosed only for those purposes and under conditions permitted by 42 CFR Part 2.

   c. Information provided by a secondary school student while participating in a school-based alcohol or other drug counseling program that indicates a parent or other person residing in the student's household is dependent upon or illegally using a substance shall be shared only for those purposes and conditions permitted by N.J.S.A. 18A:40A-7.1.

E. Access to Student Health Records



1. Access to and disclosure of information in the student health record shall meet the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g and 34 CFR Part 99 as amended and supplemented, and N.J.A.C. 6A:32-7 – Student Records.

2. The school district shall provide access to the student health record to licensed medical personnel not holding educational certification who are working under contract with, or as employees of, the school district only to the extent necessary to enable the licensed medical personnel to perform their duties.

    a. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to portions of the student health record necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

3. Nothing in N.J.A.C. 6A:16-2.4 or in Policy 5308 and this Regulation shall be construed to prohibit school personnel from disclosing to students or adults in connection with an emergency the information contained in the student health record if the release is necessary to protect the immediate health or safety of the student or other persons pursuant to N.J.A.C. 6A:32-7.5.

Adopted: 16 August 2023

R 5310 HEALTH SERVICES

A. Definitions – (N.J.A.C. 6A:16-1.3)

1. Advanced practice nurse (APN) – means a person who holds a current license as either an advanced practice nurse or a nurse practitioner/clinical nurse specialist from the State Board of Nursing.

2. Certified school nurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an educational services certificate, school nurse, or school nurse/non-instructional endorsement from the Department of Education, pursuant to N.J.A.C. 6A:9B-14.3 and 14.4.

3. Medical home – means a health care provider, including New Jersey FamilyCare providers as defined by N.J.S.A. 30:4J-12 and the provider's practice site chosen by the student's parent for the provision of health care.

4. Non-certified nurse – means a person who holds a current license as a professional nurse from the State Board of Nursing and is employed by a Board of Education and who is not certified as a school nurse by the Department of Education.

5. Parent – means the natural parent(s), adoptive parent(s), legal guardian(s), resource family parent(s), or surrogate parent(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

6. Physical examination – means the examination of the body by a professional licensed to practice medicine or osteopathy, or an advanced practice nurse, or physician assistant. The term includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

7. Physician assistant (PA) – means a health care professional licensed to practice medicine with physician supervision.

8. School physician – means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy whose training and scope of practice includes child and adolescent health and development.

The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

B. Medical Examinations – General Conditions (N.J.A.C. 6A:16-2.2)

1. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility, pursuant to N.J.S.A. 18A:40-4.

2. The findings of required examinations under N.J.A.C. 6A:16-2.2(h)2. through (h)5. and D. through G. below shall include the following components:

   a. Immunizations, pursuant to N.J.A.C. 8:57-4.1 through 4.24;

   b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;

   c. Health screenings including height, weight, hearing, blood pressure, and vision; and

   d. Physical examinations.

3. Each school shall have available and maintain an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41a.a.(1) and (3), that is:

   a. In an unlocked location on school property, with an appropriate identifying sign;

   b. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school district or nonpublic school are participating; and

   c. Within a reasonable proximity of the school athletic field or gymnasium, as applicable.

4. The Board of Education shall make accessible information regarding the NJ FamilyCare Program to students who are knowingly without medical coverage, pursuant to N.J.S.A. 18A:40-34.

5. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history, pursuant to N.J.S.A. 26:5C-1 et seq.

6. Pursuant to N.J.S.A. 18A:40-4, a student who presents a statement signed by their parents that such required examinations interfere with the free exercise of their religious beliefs shall be examined only to the extent necessary to determine whether the student is ill or infected with a communicable disease or to determine their fitness to participate in any health, safety, or physical education course required by law.

C. Medical Examinations - Prior to Participation on a School-Sponsored Interscholastic or Intramural Athletic Team or Squad for Students Enrolled in Any Grades Six to Twelve (N.J.A.C. 6A:16-2.2(h)1.)

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for students enrolled in any grades six to twelve.

   a. The examination shall be conducted within 365 days prior to the first day of official practice in an athletic season and shall be conducted by a licensed physician, APN, or PA.

   b. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at

      http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf, in accordance with N.J.S.A. 18A:40-41.7.

(1) Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41d.

(a) If the PPE form is submitted without the signed certification statement and the school district has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.

(2) The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.

(3) An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.

c. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire shall include information listed below as required by N.J.S.A. 18A:40-41.7.b.

The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:



(1) Been advised by a licensed physician, APN, or PA not to participate in a sport;

(2) Sustained a concussion, been unconscious or lost memory from a blow to the head;

(3) Broken a bone or sprained, strained, or dislocated any muscles or joints;

(4) Fainted or blacked out;

(5) Experienced chest pains, shortness of breath, or heart racing;

(6) Had a recent history of fatigue and unusual tiredness;

(7) Been hospitalized, visited an emergency room, or had a significant medical illness;

(8) Started or stopped taking any over the counter or prescribed medications; or

(9) Had a sudden death in the family, or whether any member of the student's family under the age of fifty has had a heart attack or heart trouble.

d. The school district shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.

e. The Board shall not permit a student enrolled in grades six to twelve to participate on a school-sponsored interscholastic or intramural athletic team or squad unless the student submits a PPE form signed by the licensed physician, APN, or PA who performed the physical examination and, if applicable, a completed health history update questionnaire, pursuant to N.J.S.A. 18A:40-41.7.c.

f. The school district shall distribute to a student-athlete and the student-athlete's parent the sudden cardiac arrest pamphlet developed by the Commissioner of Education, in consultation with the Commissioner

of Health, the American Heart Association, and the American Academy of Pediatrics, pursuant to N.J.S.A. 18A:40-41.

(1) A student-athlete and the student-athlete's parent annually shall sign the Commissioner-developed form that they received and reviewed the pamphlet, and shall return it, to the student's school, pursuant to N.J.S.A. 18A:40-41.d.

(2) The Commissioner shall update the pamphlet, as necessary, pursuant to N.J.S.A. 18A:40-41.b.

(3) The Commissioner shall distribute the pamphlet, at no charge, to the school district, pursuant to N.J.S.A. 18A:40-41.b.

D. Medical Examinations - Upon Enrollment in School (N.J.A.C. 6A:16-2.2(h)2.)

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and upon enrollment in school.

a. The school district shall require parents to provide within thirty days of enrollment entry-examination documentation for each student.

b. When a student transfers to another school, the sending school district shall ensure the entry-examination documentation is forwarded to the receiving school district, pursuant to N.J.A.C. 6A:16-2.4(d).

c. Students transferring into this school district from out-of-State or out-of-country may be allowed a thirty-day period to obtain entry-examination documentation.

d. The school district shall notify parents through its website or other means about the importance of obtaining subsequent medical examinations of the student at least once during each developmental stage: at early childhood (pre-school through grade three), pre-adolescence (grade four through six), and adolescence (grade seven through twelve).

E. Medical Examinations - When Students Apply for Working Papers (N.J.A.C. 6A:16-2.2(h)3.)

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and when applying for working papers.

2. The school district may provide for the administration of a medical examination for a student pursuing a certificate of employment.

3. The school district shall not be held responsible for the costs for examinations at the student's medical home or other medical provider(s).

F. Medical Examinations - For the Purposes of the Comprehensive Child Study Team Evaluation Pursuant to N.J.A.C. 6A:14-3.4 (N.J.A.C. 6A:16-2.2(h)4.)

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and for the purposes of the comprehensive child study team evaluation, pursuant to N.J.A.C. 6A:14-3.4.

G. Medical Examinations - When a Student is Suspected of Being Under the Influence of Alcohol or Controlled Dangerous Substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 (N.J.A.C. 6A:16-2.2(h)5.)

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and when a student is suspected of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3.

2. If a student who is suspected of being under the influence of alcohol or controlled dangerous substances is reported to the certified school nurse, the certified school nurse shall monitor the student's vital signs and general health status for emergent issues and take appropriate action pending the medical examination, pursuant to N.J.A.C. 6A:16-4.3.

3. No school staff shall interfere with a student receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3.

H. Health Screenings (N.J.A.C. 6A:16-2.2(l))

The Board of Education shall ensure that students receive health screenings in accordance with N.J.A.C. 6A:16-2.2(l).

1. Screening for height, weight, and blood pressure shall be conducted annually for each student in Kindergarten through grade twelve.

2. Screening for visual acuity shall be conducted biennially for students in Kindergarten through grade ten.

3. Screening for auditory acuity shall be conducted annually for students in Kindergarten through grade three and in grades seven and eleven, pursuant to N.J.S.A. 18A:40-4.

4. Screening for scoliosis shall be conducted biennially for students between the ages of ten and eighteen, pursuant to N.J.S.A. 18A:40-4.3.

5. Screenings shall be conducted by a school physician, school nurse, or other school personnel properly trained.

6. The school district shall notify the parent of any student suspected of deviation from the recommended standard.

7. The school nurse or designee shall screen to ensure hearing aids worn by students who are deaf and/or hard of hearing are functioning properly. The school nurse or designee will ensure any FM hearing aid systems in classrooms or any school equipment in the school building used to assist students to hear, are functioning properly.

Adopted: 16 August 2023



R 5320 IMMUNIZATION

A. Immunizations on Admission

1. No Principal shall knowingly admit or retain any pupil who has not submitted acceptable evidence of immunization according to the schedule set forth in section E, unless the pupil is provisionally admitted as provided in paragraph A.2. or exempted as provided in section B., N.J.A.C. 8:57-4.3, and 8:57-4.4.

2. A pupil shall be admitted to preschool or school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the pupil is in the process of receiving the remaining immunizations.

   a. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).

   b. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c).

   c. Provisional status shall only be granted one time to pupils entering or transferring into schools in New Jersey. If a pupil on provisional status transfers, information on their status will be sent by the original school to the new school. Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.

   d. Pupils transferring into this district from another State or country shall be allowed a thirty day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty day grace period does not apply to pupils transferring from within the State of New Jersey.

   e. The Principal or designee shall ensure the provisionally admitted pupil is receiving required immunizations on schedule. If the pupil has not completed the immunizations at the end of the provisional period, the Principal shall exclude the pupil from school until appropriate documentation of completion has been presented.

f. Pupils on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or his/her designee.

B. Exemptions from Immunization

1. A pupil shall not be required to have any specific immunization(s) that are medically contraindicated.

a. A written statement from any physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based on valid reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) standards or the American Academy of Pediatrics (AAP) guidelines, will exempt a pupil from the specific immunization requirements by law for the period of time specified in the physician's statement.

b. The physician's or an advanced practice nurse's (certified registered nurse practitioner or clinical nurse specialist) statement shall be retained by the school as part of the immunization record of the pupil and shall be reviewed annually.

c. When the pupil's medical condition permits immunization, this exemption shall thereupon terminate, and the pupil shall be required to obtain the immunizations from which he/she has been exempted.

2. A pupil shall be exempted from mandatory immunization if the parent(s) or legal guardian(s) submits a signed statement that explains how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.

a. The written statement signed by the parent(s) or legal guardian(s) will be kept by the school as part of the pupil's immunization record.

b. Pupils enrolled in school before September 1, 1991 and who have previously been granted a religious exemption to immunization, shall not be required to reapply for a new religious exemption under N.J.A.C. 8:57-4.4(a).

3. Pupils exempted on medical or religious grounds may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or designee.

C. Documentation of Immunization

1. Any of the following documents shall be accepted as evidence of a pupil's immunization history, provided that the document lists the type of immunization and the specific date (month, day and year) when each immunization was administered.

a. An official school record from any school or preschool indicating compliance with immunization requirements,

b. A record from any public health department indicating compliance with immunization requirements,

c. A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist) in any jurisdiction in the United States indicating compliance with immunization requirements, or

d. The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements.

2. All immunization records submitted by a parent(s) or legal guardian(s) in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of this regulation.

3. Parental verbal history or recollection or previous immunization is unacceptable documentation or evidence of immunization.

D. Immunization Records

1. The school shall maintain an official State of New Jersey Immunization Record for every pupil which shall include the date of each individual immunization.

   a. When a child withdraws, is promoted, or transfers to another school, preschool or child care center, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school by the original school or shall be given to the parent(s) or legal guardian(s) upon request, within twenty-four hours of such a request.

   b. The immunization record shall be kept separate and apart from the pupil's other medical records for the purpose of immunization record audit.

   c. Child care centers, preschools, and elementary schools are to retain immunization records, or a copy thereof, for at least one year after the pupil has left the school. For children who are promoted from elementary to middle school or from middle school to high school within the same school system, this record retention requirement is not applicable in accordance with Department of Education rules and policies on transfer of pupil records.

   d. Each pupil's immunization record, or a copy thereof, shall be retained by a secondary school for a minimum of four years after the pupil graduates from the secondary school.

   e. When a pupil graduates from secondary school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) or legal guardian(s) upon request.

   f. Any computer-generated document or list developed to record immunization information shall be considered a supplement to, not a replacement of, the official New Jersey Immunization Record.

2. A report of the immunization status of the pupils in the school shall be sent each year to the State Department of Health and Senior Services by the Principal or other person in charge of a school. The form for the report will be provided by the State Department of Health and Senior Services. The report shall be submitted by January 1 of the respective academic year. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located. Failure by the school district to submit such report by January 1 may result in a referral to the New Jersey Department of Education and the local health department.

3. The Principal or other person in charge of a school shall make immunization records available for inspection by authorized representatives of the State Department of Health and Senior Services or the local Board of Health in whose jurisdiction the school is located, within twenty-four hours of notification.

E. Immunization Requirements

1. The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:

MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
DTaP	(AGE 1-6 YEARS): 4 doses, with one dose given on or after the 4th birthday, OR any 5 doses. (AGE 7-9 YEARS): 3 doses of Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.	Any child entering pre-school, pre-Kindergarten, or Kindergarten needs a minimum of four doses. Pupils after the seventh birthday should receive adult type Td. DTP/Hib vaccine and DTaP also valid DTPdoses. Laboratory evidence of immunity is also acceptable.
Tdap	GRADE 6 *(or comparable age level special education program with an unassigned grade)*: 1 dose	For pupils entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.

DISEASE(S)	REQUIREMENTS	COMMENTS
POLIO	(AGE 1-6 YEARS): 3 doses, with one dose given on or after the 4th birthday, OR any 4 doses. (AGE 7 or OLDER): Any 3 doses.	Either Inactivated Polio Vaccine (IPV) or Oral Polio Vaccine (OPV) separately or in combination is acceptable. Polio vaccine is not required of pupils 18 years of age or older. Laboratory evidence of immunity is also acceptable.
MEASLES	If born before 1-1-90, 1 dose of a live Measles-containing vaccine. If born on or after 1-1-90, 2 doses of a live Measles-containing vaccine. If entering a college or university after 9-1-95 and previously unvaccinated, 2 doses of a live Measles-containing vaccine.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs a minimum of 1 dose of measles vaccine. Any child entering Kindergarten needs 2 doses. Previously unvaccinated pupils entering college after 9-1-95 need 2 doses of measles-containing vaccine or any combination containing live measles virus administered after 1968. Documentation of 2 prior doses is acceptable. Laboratory evidence of immunity is also acceptable. Intervals between first and second measles/MMR/MR doses cannot be less than 1 month.

DISEASE(S)	REQUIREMENTS	COMMENTS
RUBELLA and MUMPS	1 dose of live Mumps-containing vaccine. 1 dose of live Rubella-containing vaccine.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs 1 dose of rubella and mumps vaccine. Each pupil entering college for the first time after 9-1-95 needs 1 dose of rubella and mumps vaccine or any combination containing live rubella and mumps virus administered after 1968. Laboratory evidence of immunity is also acceptable.
VARICELLA	1 dose on or after the first birthday.	All children 19 months of age and older enrolled into a child care/pre-school center after 9-1-04 or children born on or after 1-1-98 entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level special education program with an unassigned grade, need 1 dose of varicella vaccine. Laboratory evidence of immunity, physician's statement or a parental statement of previous varicella disease is also acceptable.
HAEMOPHILUS INFLUENZAE B (Hib)	(AGE 2-11 MONTHS)[1]: 2 doses (AGE 12-59 MONTHS)[2]: 1 dose	Mandated only for children enrolled in child care, pre-school, or pre-Kindergarten. [1] Minimum of 2 doses of Hib vaccine is needed if between the ages of 2-11 months. [2] Minimum of 1 dose of Hib vaccine is needed after the first birthday. DTP/Hib and Hib/Hep B also valid Hib doses.



DISEASE(S)	REQUIREMENTS	COMMENTS
HEPATITIS B	(K-GRADE 12): 3 doses or 2 doses [1]	[1] If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation. Laboratory evidence of immunity is also acceptable.
PNEUMOCOCCAL	(AGE 2-11 MONTHS)[1]: 2 doses (AGE 12-59 MONTHS)[2]: 1 dose	Children enrolled in child care or pre-school on or after 9-1-08. [1] Minimum of 2 doses of Pneumococcal vaccine is needed if between the ages of 2-11 months. [2] Minimum of 1 dose of Pneumococcal vaccine is needed on or after the first birthday.
MENINGOCOCCAL	(Entering GRADE 6 *(or comparable age level Special Ed program with an unassigned grade)*: 1 dose [1] (Entering a four-year college or university, previously unvaccinated and residing in a campus dormitory): 1 dose [2]	[1] For pupils entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. [2] Previously unvaccinated pupils entering a four-year college or university after 9-1-04 and who reside in a campus dormitory, need 1 dose of meningococcal vaccine. Documentation of one prior dose is acceptable.
INFLUENZA	(AGES 6-59 MONTHS): 1 dose ANNUALLY	For children enrolled in child care, pre-school or pre-Kindergarten on or after 9-1-08. 1 dose to be given between September 1 and December 31 of each year.

AGE APPROPRIATE VACCINATIONS (FOR LICENSED CHILD CARE CENTERS/PRE-SCHOOLS)	
CHILD'S AGE	NUMBER OF DOSES CHILD SHOULD HAVE (BY AGE):
2-3 Months	1 dose DTaP, 1 dose Polio, 1 dose Hib, 1 dose PCV7
4-5 Months	2 doses DTaP, 2 doses Polio, 2 doses Hib, 2 doses PCV7
6-7 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
8-11 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
12-14 Months	3 doses DTaP, 2 doses Polio, 1 dose Hib, 2-3 doses PCV7, 1 dose Influenza
15-17 Months	3 doses DTaP, 2 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose PCV7, 1 dose Influenza
18 Months – 4 Years	4 doses DTaP, 3 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose Varicella, 1 dose PCV7, 1 dose Influenza

PROVISIONAL ADMISSION:
Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Pupils must be actively in the process of completing the series. If a pupil is less than 5 years of age, they have 17 months to complete the immunization requirements.
If a pupil is 5 years of age and older, they have 12 months to complete the immunization requirements.

GRACE PERIODS:
• 4-day grace period: All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or child care facility.
• 30-day grace period: Those children transferring into a New Jersey school, pre-school, or child care center from out of State/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

F. Emergency Powers of the Commissioner of Health and Senior Services

1. If a threatened outbreak, or outbreak of disease, or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, all pupils with provisional, religious, or medical exemptions (which relate to the specific disease threatening or occurring) shall be excluded from school. If these pupils become immunized or produce serologic evidence of immunity to the specific disease the pupil may immediately be readmitted to school.

2. If a threatened outbreak, or outbreak of disease or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.

   a. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in N.J.A.C. 8:57-4.22(c).

3. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement in accordance with the reasons as outlined in N.J.A.C. 8:57-4.22(d).

Issued: 19 October 2011



R 5330 ADMINISTRATION OF MEDICATION

A. Definitions

1. "Medication" means any prescription drug or over-the-counter medicine or nutritional supplement and includes, but is not limited to, aspirin and cough drops.

2. "Administration" means the taking of any medication by ingestion, injection, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, or applying medication.

3. "Self-administration" means carrying and taking medication without the intervention of the school nurse, approved through the school district policy and restricted to pupils with asthma, other potentially life-threatening illnesses or life-threatening allergic reaction.

4. "Life-threatening illness" means an illness or condition that requires an immediate response to specific symptoms or sequelae (an after effect of disease or injury) that if left untreated may lead to potential loss of life, i.e. adrenaline injection in anaphylaxis.

5. "A pre-filled auto-injector mechanism containing epinephrine" is a medical device used for the emergency administration of epinephrine to a pupil for anaphylaxis.

6. "Noncertified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by the district, and who is not certified as a school nurse by the Department of Education.

7. "Substitute school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9-6.5(i).

8. "School physician" means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of the district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-4.1.

9. "Advanced practice nurse" means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

10. "Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement, school nurse, or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9-13.3 and 13.4.

B. Permission for Administration by a School Nurse or Registered Nurse

1. Permission for the administration of medication in school or at school-related events will be given only when it is necessary for the health and safety of the pupil.

2. Medication will not be administered to a pupil who is physically unfit to attend school or has a contagious disease. Any such pupil should not be permitted to attend school and may be excluded in accordance with Policy No. 8451.

3. Parent(s) or legal guardian(s) requests for the administration of medication in school must be made in writing and signed by the parents or legal guardian.

4. The parent(s) or legal guardian(s) must submit a certified statement written and signed by the pupil's physician. The statement must include:

a. The pupil's name,

b. The name of the medication,

c. The purpose of its administration to the pupil for whom the medication is intended,

d. The proper timing and dosage of medication,

e. Any possible side effects of the medication,

f. The time when the medication will be discontinued,

g. A statement that the pupil is physically fit to attend school and is free of contagious disease, and

h. A statement that the pupil would not be able to attend school if the medication is not administered during school hours.

5. The request for the administration of medication must be made to the Principal prior to any administration of medication or delivery of the medication to the school. The Principal may consult with the school nurse and the school physician in making his/her final determination to allow or deny the request.

   a. An approved request will be signed by the Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s).

   b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent.

C. Administration of Epinephrine To Pupils

1. The parent(s) or legal guardian(s) may provide the Superintendent authorization for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to a pupil for anaphylaxis provided that:

   a. The parent(s) or legal guardian(s) provides the Superintendent a written authorization for the administration of epinephrine with written orders from the physician or an advanced practice nurse that the pupil requires the administration of epinephrine for anaphylaxis.

   b. The school nurse has the primary responsibility for the administration of epinephrine. However, the school nurse shall designate, in consultation with the Board or Superintendent, additional employees of the district who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a pupil when the school nurse is not physically present at the scene. These volunteers shall be trained using standardized training protocols established by the New Jersey Department of Education in consultation with the Department of Health and Senior Services. The pupil's parent(s) or legal guardian(s) must consent in writing to the administration of epinephrine via a pre-filled auto-injector mechanism by the designee(s).

   c. The parent(s) or legal guardian(s) must be informed in writing by the Board or Superintendent that the school district and its employees or agents shall have no liability as a result of any injury arising from the administration of epinephrine to the pupil.

d. The parent(s) or legal guardian(s) must sign a statement acknowledging their understanding the district shall incur no liability as a result of any injury arising from the administration of epinephrine via a pre-filled auto-injector mechanism to the pupil and the parent(s) or legal guardian(s) shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of epinephrine via a pre-filled auto-injector mechanism.

e. The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism is effective for the school year it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above.

f. The school nurse shall be responsible for the placement of the pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school function. The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine shall also be available at the school if needed.

g. The school nurse or designee shall be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction.

h. The school nurse or designee shall arrange for the transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

D. Permission for Self-Administration of Medication

Permission for self-administration of medication of a pupil with asthma, other potentially life-threatening illness, or a life-threatening allergic reaction may be granted under the following conditions:

1. Parent(s) or legal guardian(s) of the pupil must provide the Board written authorization for the self-administration of medication;

2. The parent(s) or legal guardian(s) of the pupil must also provide the Board with a signed written certification from the physician of the pupil that the pupil has asthma

or another potentially life threatening illness or is subject to a life-threatening allergic reaction and is capable of, and has been instructed in, the proper method of self-administration of medication. The written certification must include:

a. The pupil's name;

b. The name of the medication;

c. The purpose of its administration to the pupil for whom the medication is intended;

d. The proper timing and dosage of medication;

e. Any possible side effects of the medication;

f. The time when the medication will be discontinued;

g. A statement that the pupil is physically fit to attend school and is free of contagious disease; and

h. A statement the medication must be administered during the school day or the pupil would not be able to attend school.

3. The parent(s) or legal guardian(s) of the pupil have signed a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parent(s) or legal guardian(s) shall indemnify and hold harmless the school district, the Board, and its employees or agents against any claims arising out of the self-administration of medication by the pupil;

4. The parent's and/or legal guardian's written authorization and the physician's written certification shall be reviewed by the Building Principal or designee with the school nurse and the school physician. The school nurse and the school physician must agree the pupil is capable of self-administration of the medication. If it is determined the pupil may self-administer medication in accordance with the request:

a. The request will be signed by the Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s),

b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent,

5. Permission to self-administer one medication shall not be construed as permission to self-administer other medication; and

6. Permission shall be effective on the school year for which it is granted and shall be renewed for each subsequent school year upon fulfillment of the requirements in 1. through 4. above.

E. Custodianship of Medication

1. Medications to be administered by the school nurse or a registered nurse:

a. All medications must be delivered to the school by the parent(s) or legal guardian(s).

b. All medications must be in the original container, with the prescription information affixed.

c. The school nurse shall be custodian of pupils' medication, which will be properly secured.

d. Any unused medication must be picked up by the pupil's parent(s) or legal guardian(s).

e. After reasonable efforts to have the parent(s) or legal guardian(s) retrieve the medication have failed, any unused medication that remains in the school at the end of the school year or two school weeks after the pupil stops taking the medication, whichever first occurs, must be destroyed or discarded by the school nurse, in accordance with proper medical controls.

2. Medications to be self-administered by a pupil:

a. Time being of the essence in cases of asthma, other potentially life threatening illness, or a life-threatening allergic reaction, all medications to be self-administered by a pupil must be kept in the pupil's possession.

b. No pupil may possess medication for self-administration unless the proper permission has been granted by the Principal and a record of the medication is on file in the office of the school nurse.

c. Pupils who are permitted to self-administer medications must secure their medication in such a manner that the medication will not be available to other pupils. The medication must be in a sealed container and clearly labeled with the medication name, dosage, and ordering physician. The medication, if ingested by someone other than the pupil, shall not cause severe illness or death.

d. Pupils who are permitted to self-administer medications shall only have in their possession the quantity of medication necessary for the time period of the pupil's school day.

e. Notwithstanding any other law or regulation, a pupil who is permitted to self-administer medication in accordance with the provisions of N.J.S.A. 18A:40-12.3 shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, at all times, provided the pupil does not endanger himself or other persons through misuse.

F. Administration of Medication

1. No medication shall be administered to or taken by a pupil in school or at a school-sponsored event except as permitted by Board policy and this regulation.

2. Medication will only be administered to pupils in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the district, a pupil who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and 12.4, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.

3. When practicable, self-administration of medication should be observed by the school nurse.

4. Pupils self-administering medication shall report each administration of medication and any side effects to a teacher, coach, or the individual in charge of the pupil during school activities. Such individuals shall report all administrations and any side effects reported or observed to the school nurse within twenty-four hours.

5. When a pupil attends a school-sponsored event at which medication may be required (such as an outdoor field trip or athletic competition) and the school nurse cannot be in attendance, the pupil's parent(s) or legal guardian(s) will be invited to attend. If neither the school nurse nor the parent(s) or legal guardian(s) can attend and the pupil does not have permission to self-administer medication and there is a

risk that the pupil may suffer injury from lack of medication, the pupil may be excused from the event.

G. Emergencies

Any medical emergency requiring medication of pupils will be handled in accordance with Policy No. 8441 and implementing regulations on first aid and, as appropriate, the school physician's standing orders for school nurses. Arrangements will be made to transport a pupil to a hospital emergency room after the administration of epinephrine in accordance with N.J.S.A. 18A:40-12.5.e.(3).

H. Records

The school nurse shall include the following in a pupil's health record:

1. The approved written request for the administration or self-administration of medication;

2. A record of each instance of the administration of the medication by the school nurse or a registered nurse;

3. A record of reports by teachers, coaches, and other individuals in charge of school activities who report pupil self-administration of medication;

4. Any side effects that resulted from the administration of medication; and

5. Whether the supply of medication provided in cases where the medication is to be administered by the school nurse or a registered nurse was exhausted or the parent(s) or legal guardian(s) removed the medication or, if the parent(s) or legal guardian(s) failed to remove the medication, the medication was destroyed and the date on which that occurred.

I. Notification

1. The school nurse may provide the Principal and other teaching staff members concerned with the pupil's educational progress with information about the medication and administration when such release of information is in the pupil's best educational interest.

2. The school nurse will provide teachers, coaches, and other individuals in charge of school activities with a list of pupils who have been given permission to self-administer medication.

3. The school nurse will inform the pupil's parent(s) or legal guardian(s) of any difficulty in the administration of medication or any side effects.

4. The school nurse will report to the school physician any pupil who appears to be adversely affected by the medication.

Adopted: 19 October 2011



R 5331 MANAGEMENT OF FOOD AND LIFE-THREATENING ALLERGIES IN THE SCHOOL

A. Definitions

1. Anaphylaxis - A serious allergic reaction that is rapid in onset and may cause death.

2. Epinephrine (adrenaline) - A drug that can be successfully utilized to counteract anaphylaxis.

3. Food Allergy - A group of disorders characterized by immunologic responses to specific food proteins. In the United States, the most likely common allergens in adults and children are cow's milk, eggs, peanuts, wheat, soy, fish, shellfish, and nuts.

4. Individualized Emergency Healthcare Plan (IEHP) - A personalized healthcare plan written by the certified school nurse that specifies the delivery of accommodations and services needed by a pupil in the event of an emergency.

5. Individualized Healthcare Plan (IHP) - A plan written by the certified school nurse that details accommodations and/or nursing services to be provided to a pupil because of the pupil's medical condition based on medical orders written by a health care provider in the pupil's medical home.

6. School-Sponsored Function - Any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

B. Policy and Regulation Development

1. Policy and Regulation 5331 address different allergens, varying ages and maturity levels of pupils, and the physical properties and organizational structures of school. The components below were critical in developing Policy and Regulation 5331.

a. The school district nursing staff, in consultation with the school physician, if needed:

(1) Assessed the overall health needs of the pupil population at risk for anaphylaxis, particularly pupils with food allergies; and

(2) Assessed current and relevant policies and/or protocols regarding the care of pupils with life-threatening allergies and identified areas in need of development or improvement.

2. Policy and Regulation 5331 were developed using a multidisciplinary team that included various school district administrators, teachers, and support staff members.

3. Additional factors need to be regarded at the secondary school level in order to provide the best care for food-allergic teens. The multidisciplinary team should consider the factors below when developing Policy and Regulation 5331 as it pertains to food-allergic teens.

a. Pupils move to different classrooms, frequently in larger buildings and campuses, presenting needs for updated avoidance strategies, epinephrine availability, and designated assistance.

b. Pupils may have open lunch periods and accompany friends to local eateries.

c. Pupils may have access to vending machines.

d. Certain classes give rise to new avoidance issues, e.g., chemistry/biology labs, home economics/culinary class, etc.

e. The number of off-site school-sponsored functions increases, e.g., travel, sometimes to other States and foreign countries; athletic games and competitions, sometimes in other towns; dances; etc.

f. Risk-taking behaviors frequently accompany the independence of adolescent years.

g. N.J.S.A. 18A:40-12.6 provides for a delegate for the emergency administration of epinephrine even when a pupil is able to self-administer life-saving medication. Although teenage pupils will more than likely be permitted to carry and self-administer emergency medications, those pupils are not to be expected to have complete responsibility for the administration of epinephrine. A severe allergic reaction can completely

incapacitate a pupil and inhibit the ability to self-administer emergency medication. Therefore, the school nurse or volunteer delegate shall be available during school and school-sponsored functions to administer epinephrine in an emergency in accordance with the provisions of N.J.S.A. 18A:40-12.5.e.(2).

4. The Principal and/or the school nurse will educate staff and the community regarding Policy and Regulation 5331; obtain feedback on the implementation and effectiveness of the Policy and Regulation; and annually review, evaluate, and update the Policy and Regulation, as needed or required by law.

C. Prevention Measures

1. Considerations for the Cafeteria

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the cafeteria environment as safe as possible for food-allergic pupils. This process includes making determinations about serving foods with known allergens and identifying steps that can be taken to reduce the chance of accidental exposure. The steps may include:

a. Training to food service personnel on food label reading and safe handling, as well as safe meal substitutions for food-allergic children.

b. Educating cafeteria staff and monitors about food-allergy management and make them aware of the pupils who have life-threatening food allergies.

c. Developing and implementing standard procedures for cleaning tables, chairs, and trays, particularly those designated as allergen-safe, after lunch periods using dedicated and disposable supplies to avoid cross contact.

d. When possible, sharing ingredient/allergen information for food provided by the school to pupils and parent(s) or legal guardian(s).

e. Making allergen-safe table(s) an available option for allergic pupils.

f. Considering allergen-full table(s) (i.e., all those eating peanut butter sit together).

g. Discouraging pupils from sharing or trading food/snack items, drinks, straws, or utensils.

h. Encouraging pupils to wash hands before and after eating.

i. Considering the benefits and ramifications of serving and/or removing allergen-containing foods or removing a particular food item from the school menu.

j. Making accommodations in the event a pupil cannot be in direct proximity to certain allergens that are being cooked/boiled/steamed.

2. Considerations for the Classroom

Provisions will be made to develop safeguards for the protection of food-allergic pupils in the classroom. The school nurse will work with the classroom teacher(s) so the teacher understands and is able to initiate the pupil's IEHP, as necessary.

a. If possible, consider prohibiting the use or consumption of allergen-containing foods in the classroom.

b. Conduct training for teachers, aides, volunteers, substitutes, and pupils about food allergies.

c. Develop and implement a procedure that will alert substitute teachers to the presence of any pupils with food allergies and any accompanying instructions.

d. Develop and implement a letter to parent(s) or legal guardian(s) of classmates of the food-allergic pupil (without identifying the pupil), particularly in lower grades, explaining any prohibitions on food in the classroom.

e. Discourage the use of food allergens for classroom projects/activities, classroom celebrations, etc.

f. Encourage the use of non-food items for all classroom events/activities, as a way to avoid the potential presence of major food allergens.

g. Notify parent(s) or legal guardian(s) of classroom celebrations that involve food with particular attention to notification of parent(s) or legal guardian(s) of food-allergic children a minimum of 48 hours in advance.

h. Parents must notify teachers of any plans to celebrate birthdays a minimum of one week in advance should food items be served.

i. Encourage pupils to wash hands before and after eating.

j. Develop and implement standard procedures for cleaning desks, tables, and the general classroom area.

3. General Considerations for the School Environment

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the school environment as safe as possible for the food-allergic pupil to include:

a. Developing and implementing cleaning procedures for common areas (i.e., libraries, computer labs, music and art rooms, hallways, etc.).

b. Developing and implementing guidelines for food fundraisers (i.e. bake sales, candy sales, etc.) that are held on school grounds.

c. Avoiding the use of food products as displays or components of displays in hallways.

d. Developing protocols for appropriate cleaning methods following events held at the school, which involve food.

4. Field Trips and Other School Functions

N.J.S.A. 18A:40-12.6 requires a nurse or delegate to be available during school and school-sponsored functions in the event of anaphylaxis. Pupils with food allergies should participate in all school activities and will not be excluded based on their condition. The appropriate school staff member(s) should:

a. Communicate (with parent(s) or legal guardian(s) permission) relevant aspects of the IEHP to staff, as appropriate, for field trips, school-sponsored functions, and before- and after-school programs.

b. Encourage long-term planning of field trips in order to ensure that food-allergic pupils receive needed services while away from school.

c. Evaluate appropriateness of trips when considering the needs of pupils e.g., a trip to a dairy farm should not be scheduled for a class with a milk-allergic pupil.

d. Encourage, but do not require, parent(s) or legal guardian(s) of food-allergic pupils to accompany their child on school trips.

e. Implement the district's procedure for the emergency administration of medications.

f. Implement the district's procedure for emergency staff communications on field trips.

g. Inform parent(s) or legal guardian(s), when possible, of school events at which food will be served or used.

5. Bus Transportation

The district administrative staff and transportation personnel will consider the needs of pupils with life-threatening allergies while being transported to and from school and to school-sponsored activities. The appropriate school staff member(s) should:

a. Advise bus drivers of the pupils that have food allergies, symptoms associated with food-allergic reactions, and how to respond appropriately.

b. Assess the emergency communications systems on buses.

c. Consider assigned bus seating i.e., pupils with food allergies can sit at the front of the bus or can be paired with a "bus buddy."

d. Assess existing policies regarding food on buses.

6. Preparing for an Emergency

The Principal and school nurse will establish emergency protocols and procedures in advance of an emergency. These protocols and procedures should:

a. Provide training for school personnel about life-threatening allergic conditions.

b. Create a list of volunteer delegates trained by the nurse in the administration of epinephrine, and disseminate the list appropriately.

c. Ensure that epinephrine is quickly and readily accessible in the event of an emergency. If appropriate, maintain a backup supply of the medication.

d. Coordinate with local EMS on emergency response in the event of anaphylaxis.

e. Consider conducting anaphylaxis drills as part of the district or school-wide emergency response plan.

f. Ensure access to epinephrine and allergy-free foods when developing plans for fire drills, lockdowns, etc.

g. Ensure that reliable communication devices are available in the event of an emergency.

h. Adhere to Occupational Safety and Health Administration (OSHA) and Universal Precautions Guidelines for disposal of epinephrine auto-injectors after use.

7. Sensitivity and Bullying

A food-allergic pupil may become victim to threats of bullying related to his/her condition. N.J.A.C. 6A:16-7.9 requires each Board of Education to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, including on a school bus or at a school-sponsored function, pursuant to N.J.S.A. 18A:37-15. The appropriate school staff member(s) should:

a. Remind pupils and staff that bullying or teasing food-allergic pupils will not be tolerated and violators should be disciplined appropriately.

b. Offer professional development for faculty and staff regarding confidentiality to prevent open discussion about the health of specific pupils.

c. Discourage needless labeling of food-allergic pupils in front of others. A food-allergic pupil should not be referred to as "the peanut kid," "the bee kid" or any other name related to the pupil's condition.

D. Roles and Responsibilities for Managing Food Allergies

The risk of accidental exposure to foods can be reduced in the school setting if the school, pupils, parent(s) or legal guardian(s), and physicians work together to minimize risks of exposure to allergens and provide a safe educational environment for food-allergic pupils.

1. Family's Role

a. Notify the school of the pupil's allergies.

b. Work with the school team to develop a plan that accommodates the pupil's needs throughout the school, including the classroom, the cafeteria, after-care programs, during school-sponsored activities, and on the school bus, as well as an IEHP.

c. Provide written medical documentation, instructions, and medications as directed by a physician, using the Food Allergy Action Plan as a guide. Include a photo of the child on written form.

d. Provide properly labeled medications and promptly replace medications after use or upon expiration.

e. Educate the child in the self-management of their food allergy including: safe and unsafe foods; strategies for avoiding exposure to unsafe foods; symptoms of allergic reactions; how and when to tell an adult they may be having an allergy-related problem; and how to read food labels (age appropriate).

f. Review policies and procedures with the school staff, the child's physician, and the child (if age appropriate) after a reaction has occurred.

g. Provide current emergency contact information and update regularly.

2. School's Role

a. Review the health records submitted by parent(s) or legal guardian(s) and physicians.

b. Identify a core team including the school nurse, teacher, Principal, and school food service and nutrition manager/director to work with parent(s) or legal guardian(s) and the pupil (age appropriate) to establish an IEHP. Changes to the IEHP that promote food allergy management should be made with core team participation.

c. Assure that all staff who interact with the pupil on a regular basis understand food allergies, can recognize symptoms, know what to do in an emergency, and work with other school staff to eliminate the use of food allergens in the allergic pupil's meals, educational tools, arts and crafts projects, or incentives.

d. Coordinate with the school nurse to ensure medications are appropriately stored and ensure an emergency kit is available that contains a physician's standing order for epinephrine. Epinephrine should be kept in a secure but unlocked location that is easily accessible to delegated school personnel.

e. Pupils who are permitted to self-administer should be permitted to carry their own epinephrine in accordance with State regulations and district policy.

f. Designate school personnel who volunteer to administer epinephrine in an emergency.

g. Be prepared to handle a reaction and ensure there is a staff member available who is properly trained to administer medications during the school day, regardless of time or location.

h. Review policies and prevention plans with the core team members, parent(s) or legal guardian(s), pupil (age appropriate), and physician after a reaction has occurred.

i. Work with the transportation administrator to insure that school bus drivers receive training that includes symptom awareness and what to do if a

reaction occurs and assess the means by which a bus driver can communicate during an emergency, including proper devices and equipment.

j. Discuss field trips with the family of the food-allergic child to decide appropriate strategies for managing the food allergy.

k. Follow Federal and/or State laws and regulations regarding sharing medical information about the pupil.

l. Take threats or harassment against an allergic child seriously.

3. Pupil's Role

a. Pupils should not trade food with others.

b. Pupils should not eat anything with unknown ingredients or known to contain any allergens.

c. Pupils should be proactive in the care and management of their food allergies and reactions based on their developmental level.

d. Pupils should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

Issued: 11 December 2024

R 5338 DIABETES MANAGEMENT

A. Definitions

1. "Individualized emergency health care plan" means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals, which is consistent with the recommendations of the pupil's health care provider(s) and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation and is signed by the parent and the school nurse.

2. "Individualized health care plan" means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals who may be providing diabetes care to the pupil, which is consistent with the recommendations of the pupil's health care provider(s) and which sets out the health services needed by the pupil at school and is signed by the parent and the school nurse.

3. "Parent" means parent or legal guardian.

B. Health Care Plans for Pupils with Diabetes

1. The parent of a pupil with diabetes who seeks diabetes care for the pupil while at school shall inform the school nurse who shall develop an individualized health care plan and an individualized emergency health care plan for the pupil.

   a. The parent of the pupil with diabetes shall annually provide to the Principal and the school nurse a signed written request and authorization for the provision of diabetes care as may be outlined in the individualized health care plan, which shall include authorization for the emergency administration of glucagons and, if requested by the parent, authorization for the pupil's self-management and care of his/her diabetes; and

   b. If such a request is made by a pupil's parent, the pupil's physician or advanced practice nurse must provide a signed written certification to the Principal and the school nurse that the pupil is capable of, and has been instructed in, the management and care of his/her diabetes.

2. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event that there is a change in the health status of the pupil.

3. Each individualized health care plan shall include, and each individualized emergency health care plan may include, the following information:

   a. The symptoms of hypoglycemia for that particular pupil and the recommended treatment;

   b. The frequency of blood glucose testing;

   c. Written orders from the pupil's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;

   d. Times of meals and snacks and indications for additional snacks or exercise;

   e. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular pupil;

   f. Accommodations for school trips, after-school activities, class parties, and other school-related activities;

   g. Education of all school personnel who may come in contact with the pupil about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;

   h. Medical and treatment issues that may affect the educational process of the pupil with diabetes; and

   i. How to maintain communications with the pupil, the pupil's parent and health care team, the school nurse, and the educational staff.

4. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of pupils with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan.

C. Authorized Employees for Administration of Glucagon

1. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a pupil with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the

Superintendent or designee, additional employees of the school district who volunteer to administer glucagon to a pupil with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

2. In accordance with the provisions of N.J.S.A. 18A:40-12.14, the activities described in C.1. above shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional.

3. In accordance with the provisions of N.J.S.A. 18A:40-12.14, if a licensed athletic trainer volunteers to administer glucagon to a pupil with diabetes as described in C.1. above, it shall not constitute a violation of the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.).

D. Management and Care of Diabetes by Pupil

1. Upon the written request and authorization from the parent submitted to the Principal and school nurse and as provided in the pupil's individualized health care plan, the school district shall allow the pupil to manage care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the pupil has been evaluated and determined to be capable of doing so as reflected in the pupil's individualized health care plan. The pupil's management and care of his/her diabetes shall include the following:

a. Performing blood glucose level checks;

b. Administering insulin through the insulin delivery system the pupil uses;

c. Treating hypoglycemia and hyperglycemia;

d. Possessing on the pupil's person at any time the supplies or equipment necessary to monitor and care for the pupil's diabetes;

e. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individualized health care plan; and

f. Otherwise attending to the management and care of the pupil's diabetes.

E. Release for Sharing of Certain Medical Information

1. The school nurse shall obtain a release from the parent of a diabetic pupil to authorize the sharing of medical information between the pupil's physician or advanced practice nurse and other health care providers.

2. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary.

F. Immunity From Liability

1. No school employee, including a school nurse, a school bus driver, a school bus aide, or any other officer or agent of the Board of Education shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.11 through 18A:40-12.21, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person trained in good faith by the school nurse pursuant to this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

G. Possession of Syringes

1. The possession and use of syringes consistent with the purposes of N.J.S.A. 18A:40-12.11 through 18A:40-12.21 and Policy 5338 shall not be considered a violation of applicable statutory or regulatory provisions that may otherwise restrict or prohibit such possession and use.

Issued: 19 October 2011

R 5350 PUPIL SUICIDE

The following regulations are established for guidance of staff members in recognizing the pupil who contemplates suicide, in responding to threatened or attempted suicide, and in preventing contagion when a pupil commits suicide. Because a prompt response may be essential to a pupil's life, the designation of a district position in these regulations includes the person who holds that position and, if the position holder is absent or unavailable, the person temporarily charged with the responsibilities of the position.

A. Recognition of Potential Suicide

All school personnel, both teaching staff members and support staff members, shall be alert to any sign that a pupil may be contemplating suicide. Such signs include, but are not necessarily limited to, a pupil's:

1. Overt suggestion, regardless of its context, that he/she is considering or has considered suicide or has worked out the details of a suicide attempt;

2. Evidence of preparation of a will, intention to dispose of his/her effects and belongings, or otherwise get life "in order";

3. Obsession with death or afterlife;

4. Possession of a weapon or other means of suicide or obsession with such means;

5. Sense of hopelessness or unrelieved sadness;

6. Lethargy or despondency, or, conversely, a tendency to become more impulsive or aggressive than usual;

7. Drop in academic achievement, slacking off of energy and effort, or inability to focus on studies;

8. Isolation from others by loss of friends, withdrawal from friends, lack of companionship, or family disintegration;

9. Preoccupation with nonexistent physical ills;

10. Loss of weight, appetite, and/or sleep;

11. Substance abuse; and

12. Loss of economic resources.

B. Response to Potential Suicide

1. Any indication of a potential suicide, whether personally witnessed or received by report from another, must be taken seriously and must be reported to the Principal immediately.

2. The Principal shall immediately inform the Child Study Team, which shall investigate the matter promptly and conduct such evaluations as may be appropriate.

3. The Principal will inform the pupil's parent(s) or legal guardian(s), in a conference if possible, of the signs demonstrated by the pupil and of the district's concern and seek parental approval of the pupil's evaluation. In the event parental abuse or neglect is suspected, the Principal or the employee who forms the suspicion will immediately so inform the Division of Youth and Family Services in accordance with Policy No. 8462.

4. If the threat of suicide is immediate and serious, the Principal may appoint teaching staff members and/or Child Study Team members to a suicide intervention team, which shall determine the potential of the threat by directly questioning the pupil, without mincing words, about:

   a. Whether any suicide plans have been made, how detailed the plans are, and whether any preliminary actions have been taken,

   b. The pupil's feelings of hopelessness and the length of time the pupil has had such feelings,

   c. The pupil's thoughts of suicide and how persistent and strong those thoughts are, and

   d. Whether the pupil has considered alternative courses of action to resolve his/her problems.

5. After gathering information, the suicide intervention team shall determine the life-threatening risk of the situation based on the pupil's signs of possible suicide (A1) and the pupil's responses to questioning.

6. If it is determined that a substantial risk of suicide exists, the Suicide Intervention Team shall:

a. Assign staff members as required to assure that the pupil is never out of the presence of an adult who has been fully informed that the pupil may be in danger of self-destruction,

b. Refer the pupil to the Child Study Team for comprehensive evaluation,

c. Notify the pupil's parent(s) or legal guardian(s) immediately and strongly recommend consultation with a licensed mental health professional or agency,

d. Request the parent(s) or legal guardian(s) to sign a release of information form authorizing the chosen mental health professional or agency to share with appropriate district personnel such relevant information as premature termination of treatment, additional threats and/or attempts of suicide, and continuing warning signs.

7. A member of the Suicide Intervention Team will be appointed to follow up on the pupil's progress and to determine whether the pupil's parent(s) or legal guardian(s) has consulted a mental health professional or agency. Follow up reports will be made to the Principal.

8. If the pupil's parent(s) or legal guardian(s) does not sign the release of information form or does not cooperate in a comprehensive Child Study Team evaluation or does not seek treatment for the pupil, the Principal shall inform the Division of Youth and Family Services.

C. Response to Suicide Attempt

1. Any attempted suicide, whether or not on school premises or during the school day, must be reported immediately to the Principal.

2. The staff member who witnesses a suicide attempt on school premises or at a school sponsored event or in the course of school-related travel shall render first aid in accordance with Policy No. 8441 and summon medical assistance as appropriate.

3. Procedures outlined at B2 through B8 above will be followed.

D. Prevention of Suicide Contagion

1. The district Principal will be promptly informed when a pupil of this district commits suicide.

2. The Principal will assemble teaching staff members prior to the opening of school to provide them with accurate information, plans for the school day, and guidelines for handling the concerns of pupils.

3. The Principal of the school or building that the victim attended will assign a crisis team from the pupil personnel staff to assist the staff in dealing with the general school situation and any individual problems that may arise.

4. The suicide will not be given prominence by public announcement or a school-wide assembly. School will not be closed in order to permit pupils and staff members to attend the victim's funeral.

5. Teachers will respond to the needs of pupils with as little interruption of the educational program a possible.

6. Pupils will be provided with accurate information and will be given the opportunity to discuss their feelings of loss and their memories of the victim, both good and bad, without penalty.

7. All school personnel shall be especially alert to signs of contemplated suicide among the victim's peers.

8. Teaching staff members, under the direction of the Principal, shall attempt to prevent social contagion by:

   a. Preventing glorification or romanticization of the suicide,

   b. Helping pupils recognize that suicide is irreversible and permanent and does not truly resolve problems,

   c. Encouraging pupils to ask probing questions when a fellow pupil suggests suicide and to report such suggestions to a teaching staff member, and

   d. Discussing ways of handling depression and anxiety without resort to self-destruction.

9. Pupils who were close to the victim, and their parent(s) or legal guardian(s), shall be offered special counseling services and notified of available community mental health services.

REGULATION

ESSEX FELLS
BOARD OF EDUCATION

Issued: 19 October 2011



R 5410 PROMOTION AND RETENTION

The following rules are promulgated in accordance with the policy of the Board of Education dealing with the promotion and retention of pupils.

A. Standards for Pupil Promotion

Elementary and Intermediate Grades (PreK-6) - A pupil will be promoted to the next succeeding grade level when he/she demonstrates the proficiencies required for movement into the next grade.

B. Procedures for Pupil Promotion

1. A written copy of promotion standards will be given to all parent(s) or legal guardian(s) and pupils at the beginning of each year.

2. Parent(s) or legal guardian(s) and pupils will be provided a minimum of three reports each year as to a pupil's progress towards meeting promotion standards.

3. Teachers who determine that a pupil's progress may not be sufficient to meet promotion standards shall notify the parent(s) or legal guardian(s) of the pupil and offer consultation with the parents or legal guardians.

4. In grades PreK-6, the parent(s) or legal guardian(s) and where appropriate the pupil will be notified no later than four weeks prior to the end of the year when the possibility of a pupil not being promoted is determined.

5. A pupil with fewer than 150 days attendance in grades PreK-6 will not be promoted to the next grade level.

6. Extenuating circumstances as determined by the Building Principal can waive the 150-day attendance requirements for grades PreK-6.

7. Classroom teachers shall provide input to the Principal who makes the final decision concerning the promotion or retention of each pupil.

C. Procedure for Retention or Social Promotion

1. Grades PreK-6 - Classroom teachers must initiate the process by providing to the Building Principal complete forms in accordance with the specified timelines.

2. The Principal will review each case and in consultation with the teacher render a final decision.

3. Parent(s) or legal guardian(s) and adult pupils may appeal a promotion/retention decision to the Superintendent whose decision is final.

Adopted: 19 October 2011

R 5500 EXPECTATIONS FOR PUPIL CONDUCT

The following specific behaviors exemplify the conduct expected of pupils, in accordance with Policy No. 5500.

A. Pupils will prepare themselves mentally and physically for the process of learning by:

1. Being well-nourished, rested, clean, and properly dressed and groomed;

2. Being free of drugs and alcohol and refraining from smoking; and

3. Developing attitudes that will prepare them for listening, participating, and learning.

B. Pupils will respect the person, property, and intellectual and creative products of others by:

1. Being always honest, forthcoming, and courteous;

2. Displaying care for the property of others;

3. Acknowledging the intellectual work of others when it is incorporated into their work;

4. Accepting the rights of others to their own opinions and beliefs;

5. Resolving disputes and differences peacefully;

6. Displaying loyalty and good sportsmanship; and

7. Helping to maintain school facilities that are neat and clean.

C. Pupils will take responsibility for their own behavior and learning by:

1. Recognizing that academic endeavor is the primary purpose of school attendance;

2. Completing all homework, classwork, and assigned projects on time;

3. Preparing for each class by bringing necessary supplies and equipment;

4. Making personal choices that are based on sound reasoning and decision-making;

5. Accepting constructive criticism; and

6. Acknowledging and accepting the consequences of their own actions.

D. Pupils will use time and other resources responsibly by:

1. Attending school regularly and promptly and striving for a perfect attendance record;

2. Using study periods and library time for school work; and

3. Using books and other equipment appropriately.

E. Pupils will share responsibilities when working with others by:

1. Cooperating with others in the work of the group;

2. Contributing talents and services as appropriate;

3. Accepting leadership when appropriate; and

4. Respecting the rights and opinions of others in a group setting.

F. Pupils will meet the requirements of each course of study by:

1. Participating actively and appropriately in the scheduled class;

2. Following the rules and procedures established for the class by the teacher;

3. Bringing to class the textbook, clothing, and other materials necessary for participation; and

4. Observing school rules for the safe handling of class equipment and materials.

G. Pupils will monitor their own progress toward school objectives by:

1. Carefully planning courses of study and schedules;

2. Promptly seeking staff assistance as required; and

3. Maintaining records of progress.

H. Pupils will communicate with parent(s) or legal guardian(s) and appropriate school staff members about school matters by:

1. Discussing progress in school with parent(s) or legal guardian(s) and relaying necessary information to parent(s) or legal guardian(s);

2. Transmitting school letters, forms, and notices to parent(s) or legal guardian(s) and returning required responses to school staff members;

3. Conferring with appropriate staff members when a problem occurs; and

4. Developing with parent(s) or legal guardian(s) a clear idea of their educational goals.

Issued: 19 October 2011

R 5512 HARASSMENT, INTIMIDATION, OR BULLYING INVESTIGATION PROCEDURE

The Board of Education authorizes a prompt investigation of reports and violations and complaints of harassment, intimidation and bullying in accordance with the provisions of N.J.S.A. 18A:37-15(b)6.

The following investigation procedure shall be used for all allegations of harassment, intimidation, or bullying:

1. An investigation shall be initiated by the Principal or the Principal's designee within one school day of the report of the incident and shall be conducted by a school's Anti-Bullying Specialist.

   a. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist in the investigation.

2. The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying.

   a. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the ten-day period, the school Anti-Bullying Specialist may amend the original report of the results of the investigation to reflect the information.

3. The results of the investigation shall be reported to the Superintendent of Schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

4. The Superintendent of Schools may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.

5. The results of each investigation shall be reported to the Board of Education no later than the date of the next Board of Education Meeting following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the Superintendent.



6. Parents or legal guardians of the pupils who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with Federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.

7. A parent or legal guardian may request a hearing before the Board of Education after receiving the information.

    a. This hearing shall be held within ten days of the request;

    b. The Board shall meet in executive session for the hearing to protect the confidentiality of the pupils; and

    c. At the hearing the Board may hear from the school Anti-Bullying Specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

8. At the next Board of Education meeting following its receipt of the report, the Board of Education shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than ninety days after the issuance of the Board's decision.

9. A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

Issued: 19 October 2011

R 5513 CARE OF SCHOOL PROPERTY

A. Teaching Staff Member Responsibilities

1. Teaching staff members will impress upon all students the importance of the proper care of school property and instruct students in the proper use of school facilities, equipment, instructional materials, and textbooks.

2. Teaching staff members will keep an accurate inventory of textbooks and other materials in their classrooms.

B. General Rules Governing the Use of School Property

1. Students shall not deface the school building, furnishings, or equipment in any manner.

2. Students shall not use school furnishings or equipment for purposes other than those for which the furnishing or equipment was designed and intended.

3. Students will care for school textbooks in accordance with D. below.

C. Distribution and Collection of Textbooks and Materials

1. Textbooks will be identified as the property of the Board of Education.

2. A label shall be affixed to each textbook and will include:

   a. The name of the Board of Education and

   b. The name of the school.

3. The following information will also be entered on the label or documented in another manner each time the book is issued to a student:

   a. The name of the student to whom the book is issued,

   b. The date on which the book is issued to the student,

   c. The condition of the book when it is issued, and

d. The condition of the book when it is returned.

4. Each classroom teacher will keep a permanent record of the textbooks used in their classroom. The record will include all the information listed in C.2. and C.3. above.

5. A lost textbook must be promptly reported to the teaching staff member who issued the book. A replacement textbook will be issued to the student as soon as possible.

6. Textbooks will be collected and inspected before the end of the school year or marking period, as appropriate. Once inspected, a textbook will be returned to inventory until it is again distributed to a student.

7. Students must remove covers, loose papers, and markings before returning any textbook.

8. Fines may be assessed for lost and damaged textbooks in accordance with a schedule as approved by the Superintendent or designee.

D. Care of Textbooks by Students

1. Students shall take care not to lose or misplace a textbook or expose a textbook to conditions or circumstances likely to destroy, damage, or degrade it.

2. All textbooks that will be taken home by students must be protected with an appropriate cover to be supplied by the student.

3. Students should not:

a. Use pens, pencils, or other implements to mark a place in a textbook;

b. Use a textbook to file bulky papers and notes;

c. Write in textbooks; or

d. Soil textbooks beyond normal use.

E. Fines and Penalties

1. The teaching staff member will inspect each textbook returned and may assess a fine for lost or damaged books. The teacher will prepare a report to be submitted to the Principal or designee that includes:

   a. The name and number of the textbook damaged or lost;

   b. The name of the student that lost or damaged a textbook;

   c. The loss or extent of damage to the textbook; and

   d. The amount of the fine assessed, if any.

2. In setting fines the teaching staff member may take into account verified extenuating circumstances.

3. Teaching staff members will not collect fines. Textbook fines shall be submitted to the Principal or designee.

4. A student who finds their lost textbook, after being assessed and paying a fine, will be reimbursed any fine paid for the lost textbook but may be assessed a fine for any damage done to the book.

5. The Board of Education may withhold a diploma, transcript, or report card until the fine has been paid.

Adopted: 21 September 2022



R 5516 USE OF ELECTRONIC COMMUNICATION DEVICES

The following provisions govern student use of electronic communication devices on school grounds.

A. Use of Electronic Communication Devices

1. Students are prohibited from using an electronic communication device anywhere on school grounds during the school day to include, but not be limited to: during before and after school programs; during any co-curricular activity; and on a school bus.

2. Under no circumstances is a student permitted to use an electronic communication device to communicate or take videos or photographs in a restroom, locker room, shower area, or any other area where any person is removing or changing cloths and/or in any other area or location where a person has a reasonable expectation of privacy. Student use of an electronic communication device for communicating or recording is also subject to the provisions of Policy 5516 and this Regulation.

3. Students are encouraged not to bring electronic communication devices to school. If a student chooses to bring an electronic communication device(s) to school, the device(s) shall be turned off by the student and passcode protected to prevent any unauthorized use of the device. The electronic communication device shall remain in the student's backpack/book bag or locker during the school day when its use is not authorized in accordance with Policy 5516 and this Regulation.

4. If a student brings an electronic communication device to school, the student assumes the risk of damage, theft, or loss of the electronic communication device. The school district is not responsible for lost, stolen, or damaged devices.

5. If a student needs to be in contact with their parent(s) during a time the student is not permitted to use an electronic device, the student shall request permission from a teaching staff member to go to the main office to use the school phone. If a parent(s) needs to be in contact with their student for an emergency, the parent(s) shall contact the main office.

B. Discipline

1. First Offense in a School Year

a. The electronic communication device shall be taken from the student by the school staff member and turned in to the Principal or designee's office for the remainder of the academic school day.

b. The student shall turn off the electronic communication device and ensure it is passcode protected before turning it in to a school staff member.

c. The student will be able to pick up the electronic communication device in the Principal or designee's office at the end of the academic school day.

d. The student will have the electronic communication device returned upon signing an acknowledgment of their first offense violation of Policy 5516 and this Regulation through a Discipline Report outlining consequences for offense.

2. Second Offense in a School Year

a. The electronic communication device shall be taken from the student by the school staff member and turned into the Principal or designee's office for the remainder of the academic school day.

b. The student shall turn off the electronic communication device and ensure it is passcode protected before turning it in to a school staff member.

c. The electronic communication device must be picked up at the Principal or designee's office by a parent no sooner than the end of the current, academic school day.

e. If the parent cannot pick up the electronic communication device by the end of the academic school day, the parent may pick up the electronic communication device before the end of the next or any subsequent school day.

f. The parent shall be required to sign for receipt of the electronic communication device with notice provided of a second offense in a

school year for their child through a Discipline Report outlining consequences for offense.

3. Third Offense in a School Year

   a. The electronic communication device shall be taken from the student by the school staff member and turned into the Principal or designee's office for the remainder of the academic school day.

   b. The student shall turn off the electronic communication device and ensure it is passcode protected before turning it into a school staff member.

   c. The electronic communication device must be picked up at the Principal or designee's office by a parent no sooner than the end of the current, academic school day.

   d. If the parent cannot pick up the electronic communication device by the end of the academic school day, the parent may pick up the electronic communication device before the end of the next or any subsequent school day.

   e. The parent shall be required to sign for receipt of the electronic communication device with notice provided of a third offense in a school year for their child through a Discipline Report outlining consequences for offense.

4. Fourth Offense in a School Year

   a. The electronic communication device must be picked up at the Principal or designee's office by a parent no sooner than the end of the current, academic school day.

5. A student who violates the provisions of Policy 5516 and this Regulation more than three times during a school year shall, for the remainder of the school year, be prohibited from bringing an electronic communication device on school grounds during the school day or while participating in school district programs which include, but are not limited to: during before and after school programs; during co-curricular activities; during extra-circular activities, and during intra-murals and interscholastic games and practices.

Issued: 19 March 2025

R 5530 SUBSTANCE ABUSE

The following procedures are established in implementation of Policy No. 5530, Substance Abuse.

A. Definitions

1. "Evaluation" means those procedures used by a certified or licensed professional to make a positive determination of a pupil's need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the pupil or the pupil's family.
2. "Intervention" means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.

3. "Referral for evaluation" means those programs and services offered to a pupil or his or her family in order to make a positive determination regarding a pupil's need for services which extend beyond the general school program.

4. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

5. "Substance" means alcoholic beverages, controlled dangerous substances, including anabolic steroids as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4 and over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

6. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

7. "Under the influence" of substances means that the pupil is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

B. Penalties for Involvement with Drugs, Alcohol, Steroids, and/or Tobacco

All pupils should be aware that school authorities will take all reasonable steps to prevent the possession and use of drugs, alcohol, steroids, or tobacco on school property and to apprehend those who possess, use, or distribute drugs, alcohol, steroids, or tobacco.

These steps will include:

1. Locker and desk searches when there is reason to believe that inspection is warranted;

2. Required urine screening and/or blood test to determine presence of alcohol and other drugs, when observation of pupil behavioral indicators suggest the possibility of intoxication.

Offense	Penalty
a. Possession of drug paraphernal containing any controlled dang substance otherwise identifie N.J.A.C. 6A:16-4.1(a)	First offense a. Parents/guardians notified b. Referral to SAC for assessment and recomm action plan c. Possible referral to core team Second offense Two-day suspension plus all of the above Third offense External suspension plus b. and c.
b. Possession of alcohol, drugs, ste or substances identified in N.J 6A:16-4.1(a)	First offense a. Parents/guardians notified b. Ten-day suspension *c. Police informed and appropriate action taken

c. Under the influence of alcohol, steroids or substance identifie N.J.A.C. 6A:16-4.1(a)	First offense a. Parents/guardians notified b. Immediate medical examination including urin and/or blood test to verify use and determine ext use c. Ten-day suspension upon verification of po diagnosis of alcohol, drug, or steroid use d. Medical statement substantiating pupil's state of being is required before re-entry after positive diag of chemical use. (Possible urinalysis with negative may be required upon return to school) e. Pupil and parent/guardian referral to SAC treatment, after-care, and re-entry plan Second offense All of the above plus an expulsion hearing befo Board
d. Distribution, transferring, or s controlled dangerous substanc possession of amount large enou indicate possible intent to distr transfer or sell	First offense a. Parents/guardians notified b. Minimum 10-day suspension pending exp hearing before Board of Education c. Police informed and appropriate action taken
e. Conviction for violation of the abuse law committed off school pro	First offense a. Parents/guardians notified b. The school will take whatever action it belie necessary to protect the rights and well-being entire student body
f. Pupils who are found exhaling s or possessing cigarettes or sm paraphernalia	First offense a. Parents/guardians notified b. Suspension and/or referral to SAC for assistar quitting Second offense a. Phone call to parent/guardian b. Suspension c. Referral to counseling d. Required notification to parents/guardians pursuit of $100 fine, pursuant to N.J.S.A. 26:3D-20

C. Identification and Remediation of Pupils Involved with Substances.

1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.

2. A teaching staff member who suspects that a pupil is involved with substances, but not under the influence of them, should refer the pupil to the School Nurse, the Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Principal of the referral; if appropriate, the Principal should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.

3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his/her own, the staff member may report the pupil to the Principal, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.

D. Reporting and Examination of Pupils Under the Influence of Anabolic Steroids

1. Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or may be using anabolic steroids that person must report the matter as soon as possible to the Principal (or, in the Principal's absence, to a person designated by the Principal) and either the certified or non-certified school nurse or the school physician or the Substance Awareness Coordinator.

2. The Principal or designee**,** in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.

3. The Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s). If the physician selected by the parent is not available to perform the examination, the examination will be conducted by the school physician or another physician identified by the Principal. An examination conducted, at parental request, by a physician other than the school physician or another physician identified by the Principal shall not be at the district's expense.

4. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids.

5. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected or have used or who may be using anabolic steroids. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of anabolic steroids or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent.

7. If it is determined that the pupil has used anabolic steroids, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall interview the pupil and others, as necessary, for the purpose of determining the extent of the pupil's involvement with and use of anabolic steroids and the possible need for referral for treatment. To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse, as may be appropriate and necessary.

8. If the results of a referral for evaluation have positively determined that the pupil's use of anabolic steroids represents a danger to the pupil's health and well-being, the school staff member(s) identified in 7. above shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by appropriate drug and alcohol licensing board.

E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other Than Anabolic Steroids

1. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence of alcohol or other drugs on school grounds, including on a school bus or at a school-sponsored function, shall report the matter as soon as possible to the Principal and either the certified school nurse, non-certified school nurse, the school physician, or the substance awareness coordinator pursuant to N.J.S.A. 18A:40A-12. In the absence of the Principal, his or her designee shall be notified. In instances where the Principal and either the certified school nurse, non-certified school nurse, the school physician or the substance awareness coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified. The referring staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.

2. The Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent and/or designee.

3. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected to be under the influence of alcohol or other drugs. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

4. The Principal or designee, in response to every report, must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy that is selected by the parent(s) or legal guardian(s). If the parent's or legal guardian's physician licensed to practice medicine or osteopathy is not immediately available, the medical examination shall be conducted by the school physician. If neither the parent's or legal guardian's physician nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s) if available and by a

member of the school staff appointed by the Principal. Parental or legal guardian permission is not required for the school's physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to accompany the pupil to the school physician and/or emergency room. The Principal and/or designee will supervise the pupil while the pupil is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician selected by the parent, or waiting for and receiving the examination by the school physician or in the emergency room. An examination conducted by a physician selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital shall be at the expense of the school district.

5. The school district, in cooperation with the medical professional licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A:16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.

6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s) and the Superintendent/Principal within twenty-four hours of the referral of the pupil for suspected drug or alcohol use. The findings of the report shall verify whether the pupil's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

7. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the parent is required to verify within twenty-four hours of the notification that the pupil is suspected of alcohol or other drug use that the medical examination in accordance with this Policy was performed. The verification shall include, at a minimum, the printed name, address and phone number, date and time of the medical examination, signature of the examining physician and the date by which the written report of the examination will be provided.

8. If the written report of the examination is not submitted to the parent, Principal or Superintendent within twenty-four hours of the referral of the pupil, the pupil will be allowed to return to school until such time a positive determination of alcohol or other drug use is received from the physician.

9. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the pupil's physical and mental ability to perform in school, the pupil will be immediately returned to school.

10. If there is a positive determination from the medical examination, indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school the pupil will be returned to the parent's care as soon as possible. Attendance at school will not resume until a written report has been submitted to the parent(s) or legal guardian(s), Principal and Superintendent from the physician who has examined the pupil to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school. The report must verify the pupil's alcohol or other drug use no longer interferes with the pupil's physical and mental ability to perform in school. Removal of a pupil with a disability shall be made in accordance with N.J.A.C. 6A:14.

11. Refusal or failure by a parent/legal guardian to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act pursuant to N.J.S.A. 18A:38-25 and 18A:38-31, and child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and N.J.A.C. 6A:16-11. Refusal or failure of a pupil to comply with N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.

12. While the pupil is home because of the medical examination or after the pupil returns to school, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall:

    a. Conduct an alcohol and other drug assessment of the pupil and a reasonable investigation of the situation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse as may be appropriate and necessary, for the purpose of making a preliminary determination of the pupil's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the pupil. The findings of the assessment alone shall not prevent a pupil from attending school; and

b. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for substance abuse treatment.

13. While the pupil is at home because of the medical examination or after the pupil returns to school, the Superintendent/Principal may recommend or require alcohol and other drug assessment of the pupil or evaluation by appropriately certified or licensed professionals to make a positive determination of a pupil's need for programs and services which extend beyond the general school program, as necessary. The findings of these additional evaluations alone shall not be used to prevent a pupil from attending school.

14. If at any time it is determined a pupil's use of substances presents a danger to the pupil's health and well-being, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for substance abuse treatment.

15. Any educational or non-educational school staff member who in good faith reports a pupil to the Principal or Principal's designee in compliance with N.J.A.C. 6A:16-4.3 and this Policy shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14.

16. The district may provide additional intervention and referral services for the pupil according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-7.1 through 7.3.

F. Presence of Substances on School Premises

1. A pupil's person, effects, or school storage places may be searched for substances in accordance with Policy No. 5770.

2. The Principal or other school officer conducting the search shall confiscate as evidence any substance found in the pupil's possession.

a. Any controlled dangerous substance as defined in N.J.S.A. 24:21-1 or at N.J.S.A. 2C:35-2, including controlled dangerous analogs and drug paraphernalia, shall be handled in accordance with Policy No. 9322 and implementing regulations.

b. Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of the pupil, and name of the school official who conducted the search and found the drug. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance.

G. Outreach to Parents

1. An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district. The program will be conducted at times, including evenings and weekends, convenient to parent(s) or legal guardian(s) and on school premises or at suitable facilities closer to pupil's residences or parents' workplaces.

2. The parents' outreach program will include:

a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year;

b. Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;

c. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;

d. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;

e. Information on the State and local organizations available to assist in the prevention of substance abuse and the early intervention, treatment, and rehabilitation of substance abusers; and

f. Review of Board policy and administrative regulations on substance abuse with attention to the role of parents.

H. Records

1. Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Policy No. 8330 regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school.

2. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.



3. If an elementary or secondary pupil involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:

   a. Subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary pupil;

   b. Pursuant to a court order;

   c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or

   d. To the Division of Youth and Family Services or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary pupil or another child may be an abused or neglected child.

   Any disclosure made pursuant to a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the pupil's written consent. The disclosure must be accompanied by a written statement from the Superintendent advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by P.L. 1997,362 (N.J.S.A. 18A:40A-7.1 et seq.) and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this policy prevents the Division of Youth and Family Services or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this policy shall be construed as authorizing a violation of any federal law.

The prohibition on the disclosure of information provided by a pupil shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a pupil in violation of this policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

4. Each incident of substance abuse shall be reported to the Commissioner on the Violence, Vandalism and Substance Abuse Incident Report form.

Issued: 19 October 2011



R 5533 STUDENT SMOKING

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure students do not smoke in violation of Board Policy 5533 and N.J.S.A. 26:3D-56.

A. Notice Provisions

1. A sign shall be posted in every school building indicating smoking is prohibited in any school building or on school grounds. The sign shall also indicate violators will be subject to a fine.

2. Each school's student handbook will indicate smoking is prohibited on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board.

3. A public address announcement will be made, when practicable, at school-sponsored events indicating smoking is prohibited in school buildings and on school grounds.

B. Reporting Procedures

1. Any teaching staff member who observes a student smoking in violation of Policy 5533 shall inform the student to cease smoking and report the violation to the Principal or designee.

2. Any support staff member who observes a student smoking in violation of Policy 5533 shall either inform a teaching staff member, who shall report the violation to the Principal or designee or the support staff member may report the violation directly to the Principal or designee.

3. The Principal or designee will investigate each report received from a staff member and make a determination whether the student has violated Board Policy 5533.

4. In the event there is reasonable suspicion to believe a confiscated electronic smoking device is being used as a nexus for marijuana or other controlled dangerous substances or cannabis, the Principal or designee shall notify law



enforcement in accordance with the district's Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials and follow the procedure outlined in Regulation 5530.

C. Violation Consequences

1. In the event the Principal or designee determines a student has violated Policy 5533, the student will be assigned appropriate discipline in accordance with the district's Student Discipline/Code of Conduct.

2. The Principal or designee will notify the student's parent(s) when discipline is being imposed for a violation of Policy 5533.

Issued: 19 March 2025

R 5550 DISAFFECTED PUPILS

A. Grades Kindergarten through 6

1. Each pupil's work habits, behavior, products, and records will be continually monitored for signs of disaffection by teaching staff members responsible for the pupil's instructional program. Such signs of disaffection might include, but need not be limited to, the pupil's:

   a. Working below potential set by IQ indicators,

   b. Depressed standard test scores,

   c. Excessive absenteeism or truancy,

   d. Change in personality or work habits,

   e. Marked irritability, lassitude, or hypersensitivity.

2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the Principal. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.

3. Once a pupil is identified as disaffected, steps to offset the effects of disaffection may be initiated. Such steps may include:

   a. A meeting with the learning disabilities teacher consultant to help teachers shape classroom strategies that might reduce disaffection,

   b. Building on the pupil's strengths to help bolster his/her sense of self-worth,

   c. Providing instructional alternatives to stimulate the pupil's interest by utilizing such devices as calculators, computers, educational games, and teaching machines,

   d. Assigning the pupil to another teacher,

   e. Transferring the pupil to another school in the district, and/or

   f. Referring the pupil to the Child Study Team.

Issued: 19 October 2011

R 5560 DISRUPTIVE PUPILS

A. Grades Kindergarten through 6

1. Any of the following signs may indicate a disruptive pupil in the elementary grades:

   a. Unsatisfactory grades in citizenship or work habits,

   b. A worsening negative attitude,

   c. Disobedience and willful disregard of rules,

   d. Lack of concern for the rights of others,

   e. Argumentative behavior and truculence,

   f. Disregard for authority, or

   g. Fighting with classmates.

2. Any of the following steps may be followed, singly or in combination, to deal with the elementary pupil who has been identified as disruptive:

   a. After-school detention

   b. Use of behavior modification as well as other techniques designed to change disruptive classroom displays,

   c. Intervention by the Principal,

   d. Parent-teacher conference,

   e. Suspension, in accordance with Policy No. 5610, and

   f. Referral to the Child Study Team.

Issued: 19 October 2011

R 5561 USE OF PHYSICAL RESTRAINT

A. Definitions

"Physical restraint" means holding a pupil or otherwise restricting his/her movements.

B. Physical Restraint Limitations

Physical restraint shall only be used by a school staff member in an emergency situation with the following limitations:

1. Limited to the use of only the reasonable force needed;

2. Discontinued immediately when the emergency no longer exists;

3. Implemented in such a way as to protect the health and safety of the pupil and others; and

4. Not deprive the pupil of basic human necessities.

C. Physical Restraint Training Requirements

The training requirements on the use of physical restraint shall be as follows:

1. Building level administrators and school staff members designated by the Principal likely to be confronted with the need to use physical restraint shall be trained on the use of physical restraint.

   a. If, in the event of an emergency, a person(s) who has not received training uses physical restraint, training for the person(s) that used such restraint shall occur within thirty days of the incident.

2. Training must include techniques of prevention and de-escalation, as well as alternatives to physical restraint.

3. Training must include current professionally accepted practices and standards regarding behavior management and use of physical restraint.

D. Interventions

1. Classroom interventions may include, but not be limited to, the following strategies:

   a. The staff member may ignore the behavior;

   b. The staff member may redirect the pupil to a task with verbal or non-verbal prompts or gestures. Proximity helps, as may the use of gentle humor, when appropriate;

   c. The staff member shall be clear, polite, and respectful when requesting the targeted behavior. The staff member may make eye contact and tell the pupil what to do such as "I can't teach when you are talking, throwing things, …" or "Please stop and listen, read, write, ..." The staff member should remind the pupil of consequences and rewards if they comply with the staff member's request;

   d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and/or quietly give the pupil adequate wait time. Sometimes if the staff member moves on with the lesson the pupil may comply after the initial confrontation;

   e. The staff member may advise the pupil to proceed to a time-out area in the classroom for a limited time (elementary and middle school); and

   f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.

2. Security interventions may include, but are not limited to, the staff member:

   a. Standing quietly in the doorway and asking the pupil to accompany the staff member;

   b. Informing the pupil of the violation of the school discipline code and procedure and assure the pupil they have the choice to leave the classroom quietly; and/or

   c. Using a minimal and gentle hold on arm to remove the pupil.

E. Use of Physical Restraint

1. If the pupil's behavior reaches the level defined as an emergency, physical restraint may be needed.

2. If necessary, the staff member may utilize approved physical restraint, using the least amount of force necessary.

3. If necessary, the staff member shall restrain the pupil until the emergency no longer exits (i.e. the pupil stops punching, kicking, spitting, damaging property, etc.).

4. The staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.

5. If physical restraint is used, the Principal or designee shall attempt to notify the parent/legal guardian by telephone of the use of physical restraint on the day it occurs and written notification of the incident shall be mailed to the parent within one school day after the use of physical restraint.

6. Written documentation, including the Principal's or designee's report and any staff member's report regarding the incident and the use of physical restraint shall be placed in the pupil's school file.

7. The use of physical restraint is subject to the following requirements:

   a. The pupil must possess a physical risk to him/herself, or others;

   b. Physical restraint techniques shall consider the pupil's medical conditions and shall be modified as necessary;

   c. Staff applying physical restraint shall have been trained in the safe application of physical restraint;

   d. Pupils will not be subjected to physical restraint for using profanity or other verbal displays or disrespect, or for non-compliance. A verbal threat will not be considered as constituting a physical danger unless a pupil also demonstrates a means of or intent to carry out the threat;

e. In determining whether a pupil who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff should consider the potential for injury to the pupil, the pupil's need for privacy, and the educational and emotional well-being of the other pupils in the vicinity;

f. A pupil shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the pupil is no longer in imminent danger of causing harm to him/herself, others, or imminent property destruction; and

g. The pupil shall be examined by the school nurse after any restraint.

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R 5570 SPORTSMANSHIP

Individuals who violate Policy No. 5570, Sportsmanship shall be subject to the following disciplinary actions to be imposed by the Superintendent/Principal or designee.

A. Violations shall be dealt with in the following manner:

1. First Offense - warning by the Superintendent/Principal or designee.

2. Second Offense - short term suspension from the athletic or intramural program - duration to be determined by the Principal or designee, but not to exceed ten school days.

3. Third Offense - long term suspension - up to one school year from the athletic or intramural program.

4. Fourth Offense - permanent expulsion from participation in the athletic or intramural program by the Superintendent/Principal or designee.

B. A determination by the Superintendent/Principal resulting in a long term suspension or expulsion from the athletic or intramural program may be appealed to the Board which may hold a hearing on the matter and render a determination of the matter within thirty calendar days.

Issued: 19 October 2011

R 5600 PUPIL DISCIPLINE/CODE OF CONDUCT

A. Purpose

The purpose of these regulations is to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of pupils;

2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;

3. Promote achievement of high academic standards;

4. Prevent the occurrence of problem behaviors;

5. Establish parameters for the intervention and remediation of pupil problem behaviors at all stages of identification; and

6. Establish parameters for school responses to violations of the pupil discipline/code of conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the pupil offenders, and pupils' histories of inappropriate behaviors.

B. Rules of Conduct

1. All pupils are bound by law, policies of the Board of Education, and the administrative regulations of this school district.

2. In addition, pupils shall not:

   a. Be insubordinate to teachers or other school staff members or disregard their instructions or demonstrate lack of respect for their authority;

   b. Create disorder or disruptions on school premises;

   c. Use, threaten, or incite the use of physical force against other pupils, staff members, or visitors to the school;

   d. Steal, damage, or deface the property of other pupils, staff members, or the district;

e. Engage in the sexual and/or other harassment of pupils or staff members;

f. Violate codes of conduct adopted for organizations of pupils;

g. Possess or use weapons or any implement intended to harm others;

h. Use foul, abusive, derogatory, or demeaning language, including racial and ethnic remarks;

i. Convey information about other pupils or staff members known to be false;

j. Act so recklessly as to endanger the safety of others;

k. Procure the property of others by threat or intimidation;

l. Enter school premises or any specific portion of the premises without permission and without authority;

m. Vandalize school property, real or personal;

n. Create litter on school property;

o. Be truant from school or class;

p. Cheat or otherwise engage in academic dishonesty;

q. Persistently refuse to complete homework and other assignments;

r. Engage in illegal gambling;

s. Smoke on school property;

t. Falsify an excuse or any school document;

u. Set fire to or cause a fire in any way on school premises;

v. Possess or explode a firecracker or other explosive device on school premises;



w. Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;

x. Possess, use, or distribute a substance in violation of Policy No. 5530;

y. Join a secret society prohibited by law;

z. Commit an act of harassment, intimidation, or bullying; or

aa. Engage in any other activity expressly prohibited by a school staff member in authority.

3. The Building Principal or designee has the right to impose a consequence on a pupil for conduct away from school grounds pursuant to N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the pupil's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other pupils, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2 or when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences shall be handled in accordance with Policy and Regulation 5600, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.5.

C. Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the pupil's violation of school rules. The measures are sequential and are organized in order of severity.

1. Admonishment

A school staff member in authority may admonish the pupil for his/her unacceptable conduct and warn the pupil that additional misconduct may warrant a more severe penalty.

2. Temporary Removal from Classroom

a. The classroom teacher may direct the pupil to report to the office of the administrator in charge of pupil discipline.

b. The teacher will complete a form that indicates the pupil's name, homeroom, and the conduct that has caused the pupil's removal from the room.

c. The administrator in charge of discipline will interview the pupil and determine which, if any, additional disciplinary steps are indicated.

3. Deprivation of Privileges

The pupil may be deprived of the privilege of:

a. Moving freely about the school building,

b. Participation in co-curricular or inter/intrascholastic activities,

c. Attendance at a school-related social or sports activity,

d. Participation in a graduation ceremony, or

e. Transportation by school bus, or

f. Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy 5600 and N.J.A.C. 6A:16-7.1 et seq.

4. Detention

a. The pupil may be required to report before or after the school day to detention for a period of supervised study.

b. Transportation will be the responsibility of the pupil’s parent(s) or legal guardian(s).

c. The pupil may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

5. Grading

A pupil who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence (paragraph B.2.p. and paragraph B.2.q.) may suffer a reduced grade by virtue of the disqualified work. In no other instance may a pupil's grade be lowered as a direct penalty for misconduct.

6. In-school Suspension

   a. The pupil may be removed from his/her regular classes and required to report to an in-school suspension program for supervised study.

   b. In-school suspension is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy and Regulation 5610.

7. Suspension from School

   a. The pupil may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2, and 6A:16-7.3, and Policy 5610.

   b. Suspension from school is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy and Regulation 5610.

8. Expulsion

   a. The Board may expel a general education pupil from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5, and Policy 5620.

   b. Expulsion is an extremely serious disciplinary measure; it deprives the pupil of his/her right to a thorough and efficient education and will not be imposed without the due process set forth in Policies 5610 and 5620.

D. Remedial Measures

The following remedial measures may be taken to aid in correcting pupil conduct and to ensure that the pupil is properly placed in an appropriate educational environment and is not in need of special education and/or related services.

1. Restitution and Restoration

   a. The pupil may be required, to:

      (1) Make restitution, in kind or cost or labor, for any loss he/she has caused; or

      (2) Restore to its former condition, by his/her own labor, any property the pupil has damaged or defaced.

b. A pupil who refuses to make restitution or restoration as directed may be disciplined by one or more of the measures included at paragraph C.

2. Counseling

a. The pupil may be required to consult with school guidance counselors to determine the causes of his/her misconduct and to assess the need for a change in educational placement.

b. The counselor will explain:

(1) Why the pupil's conduct is unacceptable to the school and damaging to the pupil,

(2) What the consequences of continued misconduct are likely to be, and

(3) Appropriate alternate behaviors.

c. The counselor may refer the pupil, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to:

(1) The Child Study Team,

(2) Intervention and Referral Team,

(3) A public or private social agency, or

(4) A legal agency.

3. Parent Conferences

The pupil may be required to attend a meeting with his/her parent(s) and appropriate staff members to discuss the causes of the pupil's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

4. Alternate Educational Program

The pupil may be assigned to an alternate educational program as recommended by the pupil's guidance counselor, classroom teacher, Child Study Team, and/or administrator.

E. Consequences and Remedial Measures for Acts of Harassment, Intimidation, or Bullying

1. Consequences

Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the pupil, and the pupil's history of problem behaviors and performance.

a. The consequences may include, but are not limited to, the examples listed below:

(1) Admonishment;

(2) Temporary removal from the classroom;

(3) Deprivation of privileges;

(4) Classroom or administrative detention;

(5) Referral to disciplinarian;

(6) In-school suspension during the school week or the weekend;

(7) After-school programs;

(8) Out-of-school suspension (short-term or long-term);

(9) Reports to law enforcement or other legal action;

(10) Expulsion; and

(11) Participating in school district-sponsored programs.

2. Remedial Measures

Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

F. Chart of Discipline

Below is a listing of pupil behaviors that are subject to pupil discipline including suspension or expulsion pursuant to N.J.S.A. 18A:37-2. The behaviors include, but are not limited to:

The following variables will be considered when attempting to determine the most appropriate consequence that will increase a child's ability to learn from his/her experiences and to make good decisions:

1. The age of the child;

2. Previous positive and negative behavior;

3. Seriousness of the infraction; and

4. Influence of provocation.

Accountability in the form of progressive consequences will be directed at the misbehavior and not the child. Consequences for failing to demonstrate responsible behavior vary in range and will be administered accordingly and at the discretion of the teacher and/or administration. Included within the range of consequences and possibilities are the following:

*Indicates that approval from an administrator is required

1. Warning or reprimand;

2. Elimination of certain school privileges *;

3. The assignment of a written statement of apology;

4. Time out;

5. Lunch and/or recess detention(s) *;

6. Parent conferences;

7. After-school detention(s) *;

8. In-School suspension(s) (assigned by an administrator only); and

9. Out-of-School suspension(s) (assigned by an administrator only).

Parent(s) or legal guardian(s) will be notified of any serious breach of pupil behavior or continued misbehavior. Violent behavior, vandalism, and insubordination to adult authority will always result in a parent contact. A parent conference with an administrator will be required after any in/out of school suspension, or if detentions prove incompetent.

Teachers are expected to handle classroom discipline problems in a manner which reflects a positive attitude towards pupils and reinforces the policies of the Board of Education. In the event a problem arises which extends beyond the control of the classroom teacher, a pupil will be referred to an administrator for further action.

There are certain behaviors that are inappropriate regardless of where they occur. Those behaviors require administrative intervention, as they impact on the quality of school life for pupils, teachers and visitors. All pupils responsible for these behaviors will be directed to an administrator. It is not intended that the following list replace/supplant a teacher's expectations for classroom behavior.

All pupils will be informed early in the school year, with subsequent reinforcement, that their involvement in the following activities will virtually guarantee a phone call home to their parent(s) or legal guardian(s) and some form of administrative action:

1. Inappropriate physical contact with another pupil;

2. Willful/blatant disregard for an adult's authority;

3. Destruction of school property;

4. Offensive language; and

5. Bullying, intimidation, and/or harassment.

Each instance of pupil misbehavior presents an opportunity to help prevent future problems and affords pupils the chance to "learn" from their mistakes. Often, pupils will be asked to work through their problems allowing them time to reflect, analyze and prescribe procedures to prevent the action from reoccurring.

Ultimately, the end result of each discipline intervention is to have the pupils internalize some permanent and lasting beneficial lesson that they can use over and over again throughout their life.

The success of any school-imposed disciplinary action is, to a large extent, dependent upon the full cooperation between your home and our school. It is our intention to work closely with you so that together, we can maintain the best possible educational environment for all of our children to flourish within.

G. Disciplinary Procedures

1. The Pupil Discipline/Code of Conduct Policy and Regulation 5600 shall be disseminated annually to all school staff, pupils, and parent(s). The Principal will distribute these documents to all pupils on the first day of each school year and to transferring pupils on the first day of their enrollment in this district.

2. Teachers and administrators in charge of pupil discipline shall make every effort to administer these rules consistently and fairly.

3. The staff member who disciplines a pupil for conduct shall, however minimal the offense or the discipline,

   a. Orally inform the pupil of the conduct for which he/she is being disciplined; and

   b. Offer the pupil an opportunity to deny the charge or to present extenuating circumstances.

4. Where the discipline is greater than an admonishment, the pupil's parent(s) or legal guardian(s) will be notified of the offense and of the discipline imposed and will be offered an opportunity to confer with the Principal.

5. Where the offense is serious and the discipline greater than detention, every effort will be made to notify the parent(s) prior to the informal hearing conducted in accordance with paragraph F.3.

6. An in-school suspension, suspension from school, or expulsion will be conducted in strict accordance with law and Policies 5610 and 5620.

H. Pupils with Disabilities

For pupils with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), pupil discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.

I. Pupil Rights

Pupils subject to the consequences of the Pupil Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;

2. Education that supports pupils' development into productive citizens;

3. Attendance in safe and secure school environments;

4. Attendance at school irrespective of pupils' marriage, pregnancy, or parenthood;

5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8;

6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and

7. Protections pursuant to 20 U.S.C. § 1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. § 1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6:3-6, Pupil Records; 45 CFR § 160, Health Insurance Portability and Accountability Act; 20 U.S.C. § 6301, Title IV(A)IV § 4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of pupil alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records: Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Pupil Records; as well as other existing Federal and State laws pertaining to pupil protections.

J. Records

1. Instances of pupil discipline will be recorded in the pupil's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy No. 8330.



2. When a pupil transfers to a public school district from another public school district, all information in the pupil's record related to disciplinary actions taken against the pupil by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), N.J.A.C. 6A:32-7.5(e)10.iv., and N.J.A.C. 6A:16-7.10.

   a. The record shall be provided within two weeks of the date that the pupil enrolls in the receiving district.

   b. Written consent of the parent or adult pupil shall not be required as a condition of the transfer of this information, however, written notice of the transfer shall be provided to the parent or the adult pupil.

   c. When a pupil transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for pupils placed by their parents and that are controlled by other than public authority, all pupil disciplinary records, with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner as such records would be provided by a public school district of residence to another public school district, pursuant to N.J.A.C. 6A:16-7.10(b).

   d. The Board shall not use a pupil's past offenses on record to discriminate against that pupil.

   e. All pupil disciplinary records maintained in the district shall conform with the requirements set forth in N.J.A.C. 6A:16-7.10(d).

K. Annual Report

The Superintendent shall report annually on the implementation of the Pupil Discipline/Code of Conduct Policy to the Board at a public meeting. The annual summary shall contain, at a minimum:

1. A numerical inventory of all violations of the pupil behavioral expectations in the Pupil Discipline/Code of Conduct Policy and Regulation;

2. Associated school responses to the violations of the pupil behavioral expectations;

3. An explanation and evidence of the effectiveness of the Pupil Discipline/Code of Conduct Policy and Regulation. The explanation and evidence, at a minimum, shall address:

   a. The degree of effectiveness of the school district's activities in achieving the purposes of the Pupil Discipline/Code of Conduct Policy and Regulation, pursuant to the purposes as outlined in A. above; and

   b. The degree and effectiveness of the implementation of the contents of the Pupil Discipline/Code of Conduct Policy and Regulation.

4. Any proposed changes to the school district's current policies, procedures, programs or initiatives, based on the annual report.

Adopted: 19 October 2011

R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Building Principal or designee, shall assure the rights of a pupil suspended for ten or fewer consecutive school days by providing for the following:

   a. As soon as practicable, oral or written notice of charges to the pupil.

      (1) When charges are denied, an explanation of the evidence forming the basis of the charges shall also be provided.

   b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the actions leading to the short-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2. and 5.

      (1) The informal hearing shall be conducted by the Building Principal or designee;

      (2) To the extent that a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the pupil may be immediately removed from the pupil's educational program and the informal hearing shall be held as soon as practical after the suspension;

      (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and

      (4) The informal hearing and the notice given may take place at the same time.

   c. Oral or written notification to the pupil's parent(s) or legal guardian(s) of the removal from the pupil's educational program prior to the end of the school day on which the Building Principal or designee makes the decision to suspend the pupil, which shall include an explanation of:

      (1) The specific charges;

(2) The facts on which the charges are based;

(3) The provision(s) of the pupil code of conduct the pupil is accused of violating;

(4) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and

(5) The terms and conditions of the suspension.

d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day; and

e. Academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.

(1) Services shall be provided within five school days of the suspension.

(2) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program in accordance with N.J.A.C. 6A:14.

(3) At the completion of a short-term suspension, the district Board of Education shall return the general education pupil to the general education program.

2. The Superintendent/Principal is required to report the suspension to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.

3. A Board may deny the pupil participation in extracurricular activities, school functions, sports, or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.

4. For a pupil with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Building Principal or designee shall assure the rights of a pupil suspended for more than ten consecutive school days by providing the following:

a. Immediate notification to the pupil of the charges, prior to the pupil's removal from school;

b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the pupil's actions leading to the long-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;

c. Immediate notification to the pupil's parent(s) or legal guardian(s) of the pupil's removal from school;

d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day;

e. Written notification to the parent(s) or legal guardian(s) by the Superintendent or designee within two school days of the initiation of the suspension, stating:

(1) The specific charges;

(2) The facts on which the charges are based;

(3) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and

(4) That further engagement by the pupil in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the pupil's right to a free public education, in the event that a decision to expel the pupil is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.

(a) The Board shall request written acknowledgement of the notification of the provisions of B.1.e.(4) above from the parent(s) or legal guardian(s) and the pupil subsequent to the removal from the pupil's educational program, pursuant to N.J.A.C. 6A:16-7.3.

f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to B.1.j. below;

g. A pupil with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;

h. Information on the right of the pupil to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;

i. Educational services, either in school or out of school, that are comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.

(1) The services shall be provided within five school days of the suspension.

(2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education pupil, at a minimum, based on the following criteria:

(a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;

(b) The results of any relevant testing, assessments or evaluations of the pupil;

(c) The pupil's academic, health, and behavioral records;

(d) The recommendation of the Superintendent, Building Principal, or other relevant school or community resource;

(e) Considerations of parental input; or

(f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8, as appropriate.

(3) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14.



j. A formal hearing before the Board, which, at a minimum, shall:

(1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.

(a) The Board as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action.

(2) Include the opportunity for the pupil to:

(a) Confront and cross-examine witnesses, when there is a question of fact; and

(b) Present his or her own defense and produce oral testimony or written supporting affidavits.

(3) Take place no later than thirty calendar days following the day the pupil is suspended from the general education program;

(4) Not be subject to the provisions of the "Open Public Meetings Act," pursuant to N.J.S.A. 10:4-6; and

(5) Result in a decision by the Board, which at a minimum, shall be based on the preponderance of competent and credible evidence.

k. A written statement to the pupil's parent(s) or legal guardian(s) of the Board's decision within five school days after the close of the hearing that includes, at a minimum:

(1) The charges considered;

(2) A summary of the documentary or testimonial evidence from both the pupil and the administration that was brought before the district Board of Education at the hearing;

(3) Factual findings relative to each charge and the Board's determination of each charge;

(4) Identification of the educational services to be provided to the pupil pursuant to B.1.i. above;



(5) The terms and conditions of the suspension; and

(6) The right to appeal the Board's decision regarding the pupil's general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

l. Immediate return to the general education program if at any time it is found that the general education pupil did not commit the offense;

m. For a pupil with a disability found not to have committed the offense, the pupil's program shall be determined in accordance with the provisions of N.J.A.C. 6A:14; and

n. At the completion of a long-term suspension, the Board shall return the general education pupil to the general education program.

2. Any appeal of the Board's decision regarding the general education pupil's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

3. Suspension of general education pupils shall not be continued beyond the Board's second regular meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.

a. The Board shall determine whether to continue the suspension, pursuant to B. above, based on the following criteria:

(1) The nature and severity of the offense;

(2) The Board's removal decision;

(3) The results of any relevant testing, assessments or evaluations of the pupil; and

(4) The recommendation of the Superintendent/Principal.

b. The Board shall develop and adopt policies and procedures providing for action on the continuation of pupil suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension.



The committee's decision will be implemented subject to ratification of the committee's decision at the next regular Board meeting.

4. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall review the case at each subsequent Board meeting for the purpose of determining:

   a. The status of the pupil's suspension;

   b. The appropriateness of the current educational program for the suspended pupil; and

   c. Whether the suspended pupil's current placement, pursuant to B.1.i. above, should continue or whether the pupil should return to the general education program.

5. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall make the final determination on:

   a. When the pupil is prepared to return to the general education program;

   b. Whether the pupil shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or

   c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5 and Policy 5620.

6. The Board shall provide a general education pupil suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or appropriate educational services, based on the criteria set forth under B.1.i.(2) above, until the pupil graduates from high school or reaches the age of twenty, whichever comes first.

   a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or

   b. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.

7. For a pupil with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the pupil's educational placement to an interim or alternate educational setting.

   a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to each pupil with a disability who is subjected to a long-term suspension.

   b. All decisions concerning the pupil's educational program or placement shall be made by the pupil's Individualized Education Program team.

   c. The provisions of B.2. through B.6. above shall not apply to pupils with disabilities.

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R 5611 REMOVAL OF PUPILS FROM THE GENERAL EDUCATION PROGRAM FOR WEAPONS/FIREARMS OFFENSES

A. Definitions for the Purposes of This Regulation are:

1. Removal - The exclusion of a pupil from the regular education program in the school in which the pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.

2. Suspension - A temporary exclusion from school, following due process procedures.

3. Expulsion - A permanent exclusion from school which denies a pupil the free, thorough and efficient public education provided by the public school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.

B. Procedures - Removal of Pupils From General Education For Firearm Offenses and Assaults with Weapons Offenses

1. Any pupil convicted or found to be delinquent for the following offenses shall be immediately removed from the school's general educational program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil:

   a. Convicted or adjudicated delinquent for possession of a firearm on any school property, on a school bus, or at any school-sponsored function; and

   b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school property, on a school bus, or at any school-sponsored function; and

   c. Knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.

2. Any pupil who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon, which includes, but is not limited to those items enumerated in N.J.S.A. 2C:39-1(r), except a firearm, as defined by N.J.S.A. 2C:39-1(f) and 18 USC ß921, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's general education program for a period not exceeding one calendar year.

3. The Superintendent/Principal or designee will remove the pupil and immediately report the removal to the local law enforcement agency. The Principal or designee will isolate the pupil and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or law enforcement officials take custody of the pupil.

4. The Principal will notify the pupil's parent(s) or legal guardian(s) of the removal action; the law enforcement notification; the change in custody, if it occurs; and the pupil's due process rights.

5. Any pupil that is removed under this Regulation will be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-8 et seq. If placement in an approved alternative education program is not available, the pupil must be provided home instruction or other out-of-school instruction, according to N.J.A.C. 6A:16-9 et seq. and Policy 2481 until placement is available.

6. The school district may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii.

7. Any pupil removed for a weapons offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.

   a. The hearing shall take place no longer than thirty calendar days following the day the pupil is removed from the general education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C. 10:4-6 et seq.).

   b. The decision of the Board of Education must be made within five calendar days after the close of the hearing. Any appeal to the Commissioner of Education must be made within ninety calendar days of the Board's decision.

c. If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the general education program.

d. The Superintendent may modify the removal of the pupil on a case-by-case basis for firearm offenses as defined in B.1. above.

C. Violations - Return of Pupils to General Education Program

1. The Superintendent/Principal will determine whether the pupil is prepared to return to the regular education program or whether the pupil will remains in the alternative education program or receive home or other out-of-school instruction. This decision will be based on the nature and severity of the offense; the Board's removal decision; the results of any relevant testing, assessments or evaluation of the pupil; and the recommendation of the Superintendent/Principal.

2. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code.

3. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14-1.1 et seq., Special Education.

D. Expulsion

In accordance with N.J.A.C. 6A:16-5.5(b)1. and 6A:16-5.6(b)1. The Board of Education is not prohibited from removing a pupil with a disability or the expulsion of a general education pupil.

E. Superintendent's Authorization for Firearm/Weapon

The Superintendent may grant written authorization to written requests from pupils to lawfully possess a firearm or other weapon while participating in a school-sponsored function. The Superintendent will not grant such permission to any pupil who has been convicted or is an adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.

F. Alternative Education Settings

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the educational program will be provided in accordance with Policy 2481.

G. Special Education

Pupils with disabilities shall be disciplined in accordance with Policy No. 2460 and Regulation No. 2460.6.

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R 5750 EQUAL EDUCATIONAL OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent of a pupil the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.

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

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

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

B. Definitions

1. "Board of Education" means the Board of Education of the Essex Fells School District.

2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.

3. "Complainant" means a pupil or a parent of a pupil who alleges a complaint.

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

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

6. "School district" means the Essex Fells School District.

C. Procedure

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

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

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

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

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

   d. The results of discussions conducted in accordance with paragraph C1; and

   e. The reasons why those results are not satisfactory.

3. The Affirmative Action Officer will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.

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

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



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

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

   a. The original complaint,

   b. The response to the complaint,

   c. The Superintendent's decision,

   d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and

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

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

9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.

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

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

D. Record

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

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R 5751 SEXUAL HARASSMENT OF STUDENTS

Sexual harassment of pupils is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

A. Definitions

1. Quid Pro Quo Harassment - When a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.

2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

3. Notice - The school district has notice if it actually "knew, or in the exercise of reasonable care, should have known" about the harassment. If an agent or responsible employee of the school district received notice, the school district is deemed to have notice. The school district may receive notice in many different ways:

   a. A pupil may have filed a grievance or complained to a teacher about fellow pupils harassing him/her.

   b. A pupil, parent, or other pupil may have contacted other appropriate school personnel.

   c. An agent or a responsible employee of the school district may have witnessed the harassment.

d. The school district may obtain information in an indirect manner such as staff, community members, newspapers, etc.

4. Constructive Notice - A school district will be in violation if the school district has "constructive notice" of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school district "should have" known about the harassment and if the school district would have found out about the harassment through a "reasonable diligent inquiry."

5. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

6. Title IX of the Education Amendments of 1972 - Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any "person" from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the pupil being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian pupils may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian pupils may create a sexually hostile environment and therefore be prohibited under Title IX.

7. Grievance Procedure - The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

8. Office Of Civil Rights (OCR) - The OCR of the United States Department of Education has federal government's enforcement authority of Title IX.

9. Unwelcomeness - In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the pupil did not request or invite it and

"regarded the conduct as undesirable or offensive." The school district will be concerned about the issue of welcomeness if the harasser is in a position of authority.

10. Acquiescence - Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a pupil may have accepted the conduct does not mean that he/she welcomed it. The fact the a pupil willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a pupil actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.

11. Sufficiently Severe, Persistent, or Pervasive Conduct - In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:

    a. The degree to which the conduct affected one or more pupils' behavior. The conduct must have limited a pupil's ability to participate in or benefit from his/her education or altered the conditions of the pupils educational environment.

    b. The type, frequency, and duration of the conduct.

    c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.

    d. The number of individuals involved.

    e. The age and gender of the alleged harasser and the subject or subjects of the harassment.

    f. The size of the school, location of the incidents, and context in which they occurred.

    g. Other incidents at the school.

    h. Incidents of gender-based, but non-sexual harassment.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Pupils by School Employees, Other Pupils, or Third Parties:

1. Reporting of Sexual Harassment Conduct

   a. Any person with any information regarding actual and/or potential sexual harassment of a pupil by any school employee, other pupils, or third parties must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.

      (1) If the Building Principal deems it appropriate, he/she may immediately notify the parent(s) or legal guardian(s) of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.

      (2) The Building Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.

   b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter or telephone call.

   c. Nothing in the Policy and Regulation on Pupil Sexual Harassment shall preclude the Building Principal, or designee, from complying with the provisions of Policy No. 5600 - Pupil Discipline in order to maintain the health, safety and welfare of staff and/or pupils.

   d. A report from the school Building Principal will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal feels sexual harassment conduct was not present.

   e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parent(s) or legal guardian(s) of any alleged harasser(s) and victim(s) for which a report has been filed even if the Building Principal has previously notified the parent(s) or legal guardian(s).

   f. The Affirmative Action Officer shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.

2. Affirmative Action Officer's Investigation

a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

b. When a pupil or the parent(s) or legal guardian(s) of a pupil provides information or complains about sexual harassment of the pupil, the Affirmative Action Officer will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the harassment.

c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any pupils who may have been sexually harassed by any school employee, other pupils, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).

e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.

g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

h. The Affirmative Action Officer and/or Superintendent may contact law enforcement agencies if there is potential criminal conduct by any party.

i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the pupil from assisting in the investigation.

j. If elementary or middle school pupils are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the pupil, the nature of the conduct involved, and other relevant factors in determining whether a pupil had the capacity to welcome sexual conduct.

k. The Affirmative Action Officer will consider particular issues of welcomeness if the alleged harassment relates to alleged "consensual" sexual relationships between a school employee and a pupil.

(1) If elementary or middle school (grades K-8) pupils are involved, welcomeness will not be an issue. Sexual conduct between a school employee and an elementary pupil will not be viewed as consensual.

(2) If secondary (grades 9-12) pupils are involved, there is a strong presumption that sexual conduct between a school employee and a secondary pupil is not consensual.

(3) In cases involving older secondary and post-secondary pupils and older secondary and post-secondary special education pupils, the Affirmative Action Officer will consider the following to determine whether a school employee's sexual advances or other sexual conduct could be considered welcome:

(a) The nature of the conduct and the relationship of the school employee to the pupil, including the degree of influence, authority, or control the employee has over the pupil.

(b) Whether the pupil was legally or practically unable to consent to the sexual conduct in question.

l. If there is a dispute about whether harassment occurred or whether it was welcome (in a case which it is appropriate to consider whether the conduct could be welcome) determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:

(1) Statements made by any witnesses to the alleged incident.

(2) Evidence about the relative credibility of the alleged harassed pupil and the alleged harasser.

(3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the pupil claiming harassment.

(4) Evidence of the allegedly harassed pupil's reaction or behavior after the alleged harassment.

(5) Evidence about whether the pupil claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.

(6) Other contemporaneous evidence such as did the pupil write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.

m. The scope of a reasonable response also may depend upon whether a pupil, or parent(s) or legal guardian(s) reporting harassment asks that the pupil's name not be disclosed to the harasser or that nothing be done about the harassment. The Affirmative Action Officer:

(1) Will provide an overview of harassment policy [and Title IX if applicable] to the pupil, parent(s) or legal guardian(s) guardian which shall include the prohibition of retaliation. In the event the pupil, parent(s) or legal guardian(s) request the pupil's name remain confidential, the Affirmative Action Officer will inform the pupil, parent(s) or legal guardian(s) that the request may limit the school district's ability to respond.

(2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all pupils. The factors to be considered shall be the seriousness of the alleged harassment, the age of the pupil harassed, whether there have been any other complaints or reports against the alleged harasser. And the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.



(3) May use other means available to address the harassment. Steps that may be taken to limit the effects of the alleged harassment and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require sexual harassment training at the site where the problem occurred, taking a pupil survey concerning any harassment problems that may exist, or other systematic measures where the alleged harassment occurred.

(4) By conducting a limited investigation without revealing the name of the pupil sexually harassed, may be able to learn about or confirm a pattern of harassment based on claims of different pupils that were harassed by the same individual. The Affirmative Action Officer may place an individual on notice of allegation of harassing behavior and counsel appropriately without revealing, even indirectly, the identity of the pupil who notified the school district.

3. Investigation Results

a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school district and the pupil(s) who were alleged to be sexually harassed.

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.

d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action, as specified in pupil and/or staff discipline policies and regulations. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the school district administrators and staff shall take steps to eliminate the hostile environment. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed pupil, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any pupil that reports such conduct.

f. In some situations, the school district administrators may need to provide other services to the pupil that was harassed if necessary to address the effects of the harassment on that pupil. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed pupil's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.

g. The school district administrators will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.

h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.

4. Affirmative Action Officer's Investigation Appeal Process

a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any pupil who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.

b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.



C. Office Of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution of an allegation of sexual harassment by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).

2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of pupils, including incidents caused by employees, other pupils, or third parties, OCR will consider whether:

   a. The school district has a policy prohibiting sex discrimination under Title IX and an effective Title IX grievance procedure;

   b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and

   c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

3. If the school district officials have taken the steps described in 2 above, the OCR will consider the case against the school district resolved and take no further action other than monitoring compliance with any agreement between the school district and the OCR. This shall apply in cases in which the school district was in violation of Title IX, as well as those in which there has been no violation of Title IX.



REGULATION

ESSEX FELLS
BOARD OF EDUCATION

Issued: 1 December 2021



R 6000 FINANCES

Number	Title
R 6111	Special Education Medicaid Initiative (SEMI) Program (M)
R 6112	Reimbursement of Federal and Other Grant Expenditures (M)
R 6115.01	Federal Awards/Funds Internal Controls – Allowability Of Costs
R 6210	Fiscal Planning
R 6220	Budget Preparation
R 6320	Purchases Subject to Bid
R 6340	Multiple Year Contracts
R 6350	Competitive Contracting
R 6421	Purchases Budgeted
R 6422	Budget Transfers (M)
R 6424	Emergency Contracts
R 6470	Payment of Claims
R 6471	School District Travel (M)
R 6620	Petty Cash
R 6740	Reserve Accounts
R 6810	Financial Objectives (M)

R 6111 SPECIAL EDUCATION MEDICAID INITIATIVE (SEMI) PROGRAM

Every New Jersey school district, with the exception of any district that obtains a waiver of the requirements at N.J.A.C. 6A:23A-5.3(b) and A. below, shall take appropriate steps to maximize its revenue from the Special Education Medicaid Initiative (SEMI) program by following the policies and procedures to maximize participation in the program at N.J.A.C. 6A:23A-5.3(d) and C.1. below and to comply with all program requirements at N.J.A.C. 6A:23A-5.3(e) and C.2. below.

A. Waiver

1. The school district may seek, in the prebudget year, a waiver of the requirements of N.J.A.C. 6A:23A-5.3, Policy 6111, and this Regulation upon demonstration that for the subsequent school year: the district projects, based on reliable evidence, that it will have forty or fewer Medicaid-eligible classified students.

    a. The application for a waiver of the requirements of N.J.A.C. 6A:23A-5.3, Policy 6111, and this Regulation shall be made to the Executive County Superintendent no less than forty-five days prior to the submission of the district's proposed budget for the school year to which the waiver request applies. The Executive County Superintendent shall notify the district of the decision on the waiver application within twenty days of receipt of the waiver request. If the waiver is not granted, the district shall submit to the Executive County Superintendent a SEMI action plan required at N.J.A.C. 6A:23A-5.3(f) and D. below as part of its annual district budget submission, or shall demonstrate to the Executive County Superintendent that the district has achieved maximum participation in the SEMI program in the prebudget year.

B. Projection of Available SEMI Reimbursement

1. As part of the annual budget information, the New Jersey Department of Education shall provide the school district with a projection of available SEMI reimbursement for the budget year, as determined by the New Jersey Department of the Treasury's third-party administrator for SEMI.

    a. The district shall recognize as revenue in its annual school district budget no less than ninety percent of said projection.

b. The district may seek approval from the Executive County Superintendent to use its own projection of SEMI reimbursement upon demonstration the numbers it used in calculating the projection are more accurate than the projection provided.

C. SEMI Program Requirements

1. The school district shall strive to achieve maximum participation in the SEMI program. For the purpose of Policy 6111 and this Regulation, "maximum participation" means obtaining a ninety percent return rate of parental consent forms for all SEMI-eligible students. Districts shall enter all students following their evaluations into the third-party system as determined by the New Jersey Department of the Treasury to identify the district's universe of eligible students. This may be done without parental consent.

2. If the district participates in the SEMI reimbursement program, the district shall comply with program requirements as follows:

a. The district shall implement Policy 6111 and this Regulation concerning the effective and efficient administration of the SEMI reimbursement program consistent with the requirements of N.J.A.C. 6A:23A-5.3. A complete listing of requirements and information are available at the SEMI/MAC website.

b. Any service submitted to Medicaid for reimbursement shall be rendered by a Medicaid qualified practitioner, or rendered by a provider under the supervision of a Medicaid qualified practitioner. The following outlines the required documentation for each related service provider:

(1) Nurses – copy of license (educational services certificate issued by the State Board of Examiners is not required for SEMI);

(2) Occupational Therapist – copy of license and educational services certificate issued by the State Board of Examiners;

(3) Physical Therapist – copy of license and educational services certificate issued by the State Board of Examiners;

(4) Psychologist – copy of educational services certificate issued by the State Board of Examiners;

(5) Social Worker – copy of educational services certificate issued by the State Board of Examiners; and

(6) Speech-language Specialist:

(a) Qualification and documentation for provision of evaluation services shall include:

(i) Copy of licensed physician's orders, which shall be maintained with the student's IEP; or

(ii) Copy of New Jersey license as a speech-language pathologist and educational services certificate with a speech-language specialist endorsement (N.J.A.C. 6A:9B-14.6) for the individual whose signature appears on the IEP; or

(iii) Copy of documentation that identifies the referral of speech services included in or with the student's IEP.

(b) Qualification for provision of related services shall include:

(i) Copy of educational services certificate or endorsement issued by the State Board of Examiners and an American Speech-Language-Hearing Association (ASHA) Certificate of Clinical Competence; or

(ii) Copy of educational services certificate with a speech-language specialist endorsement and a valid license authorized by the State Audiology and Speech-Language Pathology Advisory Committee in accordance with N.J.S.A. 45:3B-1 et seq.

(7) Audiologist – copy of license issued by the State Audiology and Speech-Language Pathology Advisory Committee in accordance with N.J.S.A. 45:3B-1 et seq.



c. Practitioners who are not Medicaid qualified can deliver services under the direction of Medicaid qualified practitioners. Practitioners who are not Medicaid qualified include only certified occupational therapist assistants, physical therapist assistants, speech-language specialists who do not meet the qualifications at N.J.A.C. 6A:23A-5.3(e)2.vi(2)(A) or (B) and C.2.b.(6)(i) and C.2.b.(6)(ii) above, and licensed practical nurses.

d. Any direct therapy or other related service shall be prescribed in the related services section of the student's IEP prior to submitting a claim to Medicaid for reimbursement. Delivery of nursing services and dispensing of medication shall be referenced in the IEP and supported by physicians' orders or prescriptions, which shall be maintained on file. Supporting documentation to be maintained by the district shall be the cover/signature page, related services section of the IEP, therapy logs, and the evaluations and assessments conducted by the Medicaid-qualified practitioners.

e. Entities where the district has placed SEMI-eligible students shall take steps to enable districts to maximize participation, including either logging the eligible services provided directly through the third-party system as determined by the New Jersey Department of the Treasury or the sending district, as mutually agreed upon with the district, and obtaining SEMI provider qualification certifications. Every out-of-district placement shall provide copies of SEMI provider qualifications, certifications, and licenses. N.J.A.C. 6A:23A-5.3(e)5. applies to the following out-of-district placement options:

(1) Approved private schools for students with disabilities;

(2) Educational services commissions;

(3) Jointure commissions;

(4) Vocational half-time programs;

(5) New Jersey Department of Education regional day schools; and

(6) County special service school districts.

f. If the district does not have an approved waiver pursuant to N.J.A.C. 6A:23A-5.3(b) and A. above the district shall comply with the program requirements to assure the year-end cost settlement of SEMI claims is properly calculated with the standardized submission of quarterly and annual cost data, as well as staff pool lists transmitted directly through the third-party system as determined by the New Jersey Department of the Treasury.

g. To retain reimbursement, if the district does not have an approved waiver pursuant to N.J.A.C. 6A:23A-5.3(b) and A. above, the district shall ensure compliance with the necessary components of the cost settlement requirements which include completion of the online questionnaire – Random Moment Time Study (RMTS) – by staff provided directly through the third-party system as determined by the New Jersey Department of the Treasury.

h. All supporting documentation for a Medicaid claim shall be maintained on file and available for audit or State review for at least seven years from the date of service. Supporting documentation shall include provider certification (current and historical for each provider); provider service logs, licenses, and/or certificates issued by the Division of Consumer Affairs or the New Jersey Department of Education, as applicable; physician authorizations for nursing services; parental consent forms; attendance records; and copies of the student's IEP.

D. SEMI Action Plan

1. If the school district has less than ninety percent participation of SEMI-eligible students in the prebudget year or that has failed to comply with all program requirements at N.J.A.C. 6A:23A-5.3(e) and C.2. above, the district shall submit a SEMI action plan to the Executive County Superintendent for review and approval as part of the district's proposed budget submission.

2. The SEMI action plan shall include the following components:

a. Procedures for obtaining parental consent forms, such as the Parental Consent Best Practices that are available from the New Jersey Department of Education.

b. Establishment of a benchmark for the year of implementation or for the first year the district does not have an approved waiver pursuant

to N.J.A.C. 6A:23A-5.3(b) and A. above, whichever is applicable, for obtaining maximum participation of all SEMI-eligible students by the start of the subsequent school year.

(1) The benchmarks for the first year of implementation or for the first year the district does not have an approved waiver pursuant to N.J.A.C. 6A:23A-5.3(b) and A. above, whichever is applicable, for achieving maximum participation shall close, at a minimum, the gap between current participation and maximum participation by fifty percent by the beginning of the subsequent school year; and

(2) The benchmarks shall be based on the percentage of parental consent forms collected from eligible students. The number of parental consent forms shall reflect one parental consent form or one document noting parental refusal for each eligible student;

c. Procedures to ensure all IEP meetings are documented in the third-party administrator's system. IEPs are claimable only if a Medicaid qualified practitioner is present and it is documented that a health-related service is discussed;

d. Procedures to ensure all SEMI-eligible services, including services provided by entities where the district has placed SEMI-eligible students, are documented in the third-party administrator's system;

e. Procedures to ensure a valid IEP is on file and the IEP date is on file in the third-party administrator's system for each SEMI-eligible student for whom parental consent has been obtained; and

f. Procedures to ensure service providers used by the school district and entities where the district has placed SEMI-eligible students have valid licenses and certifications documenting SEMI provider qualifications on file in the third-party administrator's system.

3. If the district does not achieve ninety percent participation, or does not achieve their approved benchmarks in the SEMI program for a given budget year and cannot demonstrate they fully implemented their New Jersey Department of Education-approved SEMI action plan required at N.J.A.C. 6A:23A-5.3(f) and (g) and D. above, the district shall be subject to review for the withholding of State aid by the Commissioner of Education, pursuant to



N.J.S.A. 18A:55-3, in an amount equal to the SEMI revenue projection based on their approved benchmark for the budget year, if applicable, less actual SEMI reimbursements for the budget year. The State aid deduction shall be made in the second subsequent year after the budget year.

4. If the district does not meet the requirement of the cost-settlement components of SEMI, the district may be required to refund all or part of their SEMI reimbursements.

R 6112 REIMBURSEMENT OF FEDERAL AND OTHER GRANT EXPENDITURES

The State of New Jersey and the school must assure certain Federal and other grant funds have been, or will be, spent within a minimal amount of time after having been drawn from the Federal government. In accordance with this requirement, the New Jersey Department of Education (NJDOE) has implemented a reimbursement request system of payment. The procedures outlined in this Regulation are to be followed by the school in submitting reimbursement requests. Reimbursement requests for entitlement grant awards under Titles I, II-A, II-D, III, III Immigrant, IV and V of the No Child Left Behind Act (NCLB), and the Individuals with Disabilities Education Act (IDEA) shall be made using the NJDOE's Electronic Web-Enabled Grant (EWEG) System.

A. Definitions

1. "Cost objective" means a function, organizational subdivision, contract, grant, or other activity for which cost data are needed and for which costs are incurred.

2. "Grant" means an award of financial assistance by the Federal government to the State of New Jersey, Department of Education or funds NJDOE receives from the State legislature to be awarded to eligible subgrantees.

3. "Grantee" means the State of New Jersey, Department of Education, to which a grant is awarded by the Federal government.

4. "Subgrant" means an award of financial assistance to an eligible subgrantee, in this case, awards by the State of New Jersey, Department of Education to local education agencies or other eligible entities.

5. "Subgrantee" means the local education agency, school, or other legal entity to which a subgrant is awarded and which is accountable to the State of New Jersey, Department of Education for the use of funds provided.

B. Procedures

1. Functionality

a. The School Business Administrator/Board Secretary or designee will submit reimbursement requests using the payment functionality of the EWEG system.

b. The payment functionality will be enabled upon final NJDOE approval of the subgrant application through the EWEG system.

2. Submission of Reimbursement Requests

a. The School Business Administrator/Board Secretary or designee will make reimbursement requests for individual titles and awards. Therefore, reimbursement requests for NCLB will be made for each individual title. Reimbursement requests for IDEA must be made separately for Basic and Preschool as well as for the Perkins Secondary and Perkins Post-Secondary grant funds. Only one reimbursement request per month may be submitted for an individual title or award.

b. Reimbursement requests may only be for expenditures that have already occurred or will occur by the last calendar day of the month in which the request is made. The following examples are based upon the schedule in Section C. below.

(1) The school has ordered and received supplies and has paid the vendor. The school may request reimbursement.

(2) The school has ordered and received equipment but has not yet paid the vendor. The school expects payment to be made on the last day of the month, following the monthly Board meeting. The school may request reimbursement.

(3) The school makes salary payments on the fifteenth and last day of each month. In a given month, the school may request reimbursement for payroll expenditures actually made during the month and for the payroll scheduled for the last day of the month. The school may not request reimbursement in anticipation of subsequent pay dates in the following month.

(4) The school is responsible for payment of health benefits to its provider on a quarterly basis. The subgrantee may request reimbursement prospectively if payment to the provider will be made during the calendar month in which reimbursement is requested.



(5) The school is responsible for reimbursing the State of New Jersey for pension and social security payments made on behalf of employees paid with Federal funds. For members of the Teachers' Pension and Annuity Fund (TPAF), a school shall reimburse the State no later than November. The request for reimbursement for pension and social security contributions for members of TPAF should be made at the time the school will make payment to the State. For members of the Public Employees Retirement System or other State pension systems, the school should request reimbursement at the time payments are due to the State for pension contributions and to the Internal Revenue Service for Social Security contributions. The school should not include fringe benefit calculations in their regular salary reimbursement requests.

c. The submission of a reimbursement request constitutes a certification by the School Business Administrator/Board Secretary that the school has previously made the appropriate expenditures and/or will make the expenditures by the last calendar day of the month in which the request is made. The submission of a reimbursement request also constitutes a certification that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant.

d. Reimbursement requests must be in accordance with approved grant applications.

(1) The Superintendent or designee is responsible for submitting an amendment application to the NJDOE for approval if a new budget category for which no funds were previously budgeted or approved has been created.

(2) The Superintendent or designee is responsible for submitting an amendment application to the NJDOE for approval if cumulative transfers among expenditure categories exceed ten percent of the total award or $50,000 for IDEA, Perkins, and NCLB (per title), whichever is less. The Superintendent or designee is responsible for monitoring the cumulative ten percent level of fiscal change.



C. Processing Timelines

1. Reimbursement requests may be submitted at any time after the subgrant has received final NJDOE approval. No more than one reimbursement request may be submitted per month for any one subgrant. Reimbursement may be made for expenditures that have already occurred or will occur by the last calendar day of the month in which the request is submitted.

2. Reimbursement requests submitted at least ten business days before the end of the month but no later than the fifteenth day of the month will be reviewed and, if approved, processed for payment the first business day of the following month. A school will normally receive payment by the fifth business day of the month and will be able to track the grant's payment history in EWEG through the payments link of the grant application.

D. Content of Reimbursement Requests

1. Reimbursement requests must contain a brief description of the expenditures for which reimbursement is being requested. Individual line items need not be detailed.

2. Expenditures must be supported by documentation at the school level. This documentation should not be submitted to the NJDOE with a reimbursement request. The Superintendent or designee is responsible to maintain supporting documentation for seven years and for making it available to the NJDOE, the United States Department of Education, and/or their authorized representatives upon request.

3. Documentation for salary expenditures is subject to the requirements of the applicable Federal Office of Management and Budget Circular: A-21, "Cost Principles for Educational Institutions;" A-87, "Cost Principles for State, Local, and Indian Tribal Governments;" A-122, "Cost Principles for Non-Profit Organizations;" and Education Department General Administrative Regulations (EDGAR). Documentation for all other expenditures must include evidence that the expenditures are allowable costs and of the relationship of the expenditure to the subgrant's cost objectives.

E. Review and Approval of Reimbursement Requests

1. NJDOE staff will review reimbursement requests to determine that they meet the subgrant's criteria, including but not limited to the following:

   a. Adequate description of the expenditures is provided;

   b. No new budget category has been created; and

   c. The reimbursement request does not exceed the allowable threshold for an amendment as a result of cumulative transfers among expenditure categories.

2. When a reimbursement request is approved or denied, the school will receive an email notification through the EWEG system.

3. Approval of a reimbursement request by NJDOE does not imply approval of the expenditures as allowable or appropriate to the subgrant's cost objectives. Approval of expenditures will continue to be processed through the final report. The School Business Administrator/Board Secretary assumes responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended according to the requirements of the CMIA.

Issued: 19 October 2011

R 6115.01 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – ALLOWABILITY OF COSTS

A. In addition to the procedures used to determine the allowability of costs in accordance with 2 CFR §200.403 as outlined in Policy 6115.01 and this Regulation, the following procedures will be completed by the school district for Federal awards:

1. The Superintendent of Schools will designate a grant administrator for each Federal program in the district and Federal program the Board of Education submits an application for funding.

2. The grant administrator shall complete the following responsibilities for a Federal grant submission:

a. Complete the grant application for approval by the Superintendent and the Board of Education;

b. Collaborate with the School Business Administrator/Board Secretary or designee to develop the budget to include all applicable costs;

c. Ensure all costs included on the grant application are allowable costs in accordance with 2 CFR §200.403; and

d. Work with the School Business Administrator/Board Secretary to ensure costs meet the general criteria in order to be allowable under Federal awards as outlined in Policy 6115.01 and 2 CFR §200.403.

3. Upon approval and funding of the Federal grant program, the grant administrator will:

a. Provide professional development and training to all school staff members working in the Federal program and any additional school staff members the grant administrator determines should be provided the professional development and training to ensure all staff members are providing the services approved and required by the grant;

b. Monitor the Federal grant program to ensure the program is being administered in accordance with the requirements of the grant; and

c. Oversee the program's expenditures to ensure the grant funds are budgeted and expended in accordance with the grant application and approval.

4. Upon completion of the Federal grant program, the grant administrator will work with the School Business Administrator/Board Secretary or designee to complete any close-out and final reports as required by the Federal grant.

Adopted: 16 August 2023

R 6210 FISCAL PLANNING

The School Business Administrator/Board Secretary shall implement Policy No. 6210 by preparing a long-range fiscal plan. The plan may take the form of a chart or spread sheet on which estimated costs and revenues are plotted for the period of one year beyond the current fiscal year. Horizontal data may also be included.

A. Future Costs

Future costs may consist of:

1. Cost studies and estimates for the maintenance and development of educational programs;

2. Costs of facilities and equipment maintenance and replacement;

3. Fixed charges (such as interest payments on bonds and redemption of bonds on schedule, lease payments, fixed payments on multi-year contracts);

4. Costs of employee wages and benefits in presently negotiated contracts (both collective and individual);

5. Projections of the cost of successor employee contracts, including the effect of pending graduate studies on the wages of teaching staff members;

6. Effects of projected pupil populations on capital requirements;

7. Effects of projected pupil populations on staffing requirements (by necessitating additional staff or a reduction in force);

8. Costs of pending contracts with variable obligations (such as sending-receiving, transportation);

9. Costs of projected operation changes (such as subcontracting custodial services or a change in the delivery of food services);

10. Projected tuition needs for pupils sent out of district; and

11. Costs of contracts for professional services (such as school medical inspector, school attorney, and auditor).

B. Future Revenues

Future revenues may consist of:

1. Anticipated state and federal aid;

2. Projected income from local property tax revenues;

3. Present grants in aid from state, federal, and/or private sources; and

4. Anticipated revenues from pending or future grant proposals.

C. Report

The School Business Administrator/Board Secretary will confer with the Superintendent on the district long-range fiscal plan on a regular basis. Any financial forecast that warns of serious future deficits, overexpenditures, or reduction in revenues shall be reported promptly.

Issued: 19 October 2011



R 6220 BUDGET PREPARATION

The annual school district budget will be prepared in accordance with the following procedure.

A. Responsibility

1. The School Business Administrator/Board Secretary or designee is responsible for the administration and coordination of all budget preparation activities and will be guided by the budget planning forecasts prepared in accordance with Policy 6210.

2. Each Principal will assess the educational needs of the students, collect and evaluate the requests for funds submitted by the teaching and support staff members in their building, and compile an estimate of the total building needs for the next budget year. The estimate will be submitted to the School Business Administrator/Board Secretary or designee.

3. Each central office administrator will assess the needs of the program operation for which they are responsible (such as staff recruiting, facilities maintenance, transportation, capital improvements) and will prepare an estimate of the program needs for the next budget year. The estimate will be submitted to the School Business Administrator/Board Secretary or designee.

B. Priorities

1. All estimates submitted to the School Business Administrator/Board Secretary or designee in accordance with paragraph A.2. and paragraph A.3. above will be reasonably detailed and supported by appropriate documentation to justify the expenditures requested. The administrators charged with estimating budgetary needs will be guided by these cost priorities;

   a. Staffing adequate to sustain the current instructional program;

   b. Supplies and equipment adequate to sustain the current instructional program;

   c. Maintenance of current facilities and programs;

   d. New staff members to improve or expand the current program;

e. New supplies and equipment to improve or expand the current instructional program; and

f. New instructional programs.

2. The Superintendent or designee and the School Business Administrator/Board Secretary will review all estimates for budget allocations and, as necessary, discuss justifications and possible alternatives with the originating administrator. The Superintendent or designee and the School Business Administrator/Board Secretary will:

a. Compare budget requests with inventory to determine whether requested resources are presently available;

b. Analyze budget requests on a district-wide basis to determine whether requested resources can be shared; and

c. Analyze budget requests for staffing requirements and convert those requirements to dollar equivalents.

C. Form

1. The tentative budget shall contain:

a. The total expenditure for each item for the preceding school year, the amount appropriated for the current school year adjusted for transfers as of the date specified by the New Jersey Department of Education (NJDOE) of the current school year, and the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for each item as determined by the Commissioner;

b. The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year and the amount anticipated to be available for the ensuing school year;

c. The amount of revenue available for budget purposes from the preceding school year, the amount available for the current school year as of the date specified by the NJDOE and the amount anticipated to be available for the ensuing school year in the following categories as applicable:

(1) Revenues to be raised by local sources;

(2) Revenues from State Aid;

(3) Revenues from Federal Aid;

(4) Revenues from intermediate sources; and/or

(5) Other sources of revenue;

d. Transfers between current expense and capital outlay for the preceding school year, the current school year as of the date specified by the NJDOE of that year and transfers anticipated for the ensuing school year;

e. A presentation of the student population for the current school year and immediate past school year as reported in the application for State School Aid, and an estimate of the anticipated student population for the next school year;

f. An estimate of staff composition by numbers in each administrative, instructional, and educational services area for the next school year; and

g. Any additional information required by the NJDOE and the Board of Education.

h. All budgetary and accounting systems used in the school district must be in accordance with double-entry bookkeeping and Generally Accepted Accounting Principles as included in statutes and administrative code.

D. Timeline

The Superintendent or designee and the School Business Administrator/Board Secretary will submit the tentative budget recommendations to the Board of Education in accordance with the budget timeline established by the NJDOE and the Board. The proposed expenditures and anticipated revenues in the tentative budget will be supported by sufficient explanatory information to enable the Board to determine their validity.

Issued: 17 September 2025

R 6320 PURCHASES SUBJECT TO BID

A. Definitions

1 "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter.

2. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.

3. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board shall advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.

4. "Contract year" means the period of twelve consecutive months following the award of a contract.

5. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.

6. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.

7. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.

8. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.

9. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing or taken verbally if a record is kept by the purchasing agent.

10. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

11. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

12. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.

13. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.

B. Solicitation of Bids

1. Bids will be solicited by advertisements placed by the School Business Administrator/Board Secretary in strict compliance with N.J.S.A. 18A:18A-21 and Policy No. 6320. Any advertisements placed without the prior approval of the Board will be reported to the Board at its next meeting.

2. Each specification will offer a clearly stated, common standard of competition and will assert the Board's right to accept reasonable equivalents and to reject all bids in accordance with N.J.S.A. 18A:18A-22 and to readvertise. Each specification will also include the Board's right to disqualify a bidder in accordance with N.J.S.A. 18A:18A-4 et seq. Bid specifications will not be proprietary as to exclude bidders without the opportunity to provide equivalent goods and/or services.



3. The School Business Administrator/Board Secretary will maintain a copy of each bid advertisement and will record the newspaper in which it was advertised and the dates on which it was published.

C. Bid Requirements

1. Bids must be prepared on forms supplied by the school district and must be fully completed, in ink or typewritten, and signed by the bidder. Oral revisions will not be accepted.

2. Bid prices must include delivery to the point of use, unpacking when required, and installation when required. As necessary, bidders may be required to provide instruction in the use and care of equipment delivered both by demonstration and in written form.

3. Bids must include unit prices as well as the total price. In any error in extension, the unit price shall be considered the accurate figure.

4. Because the school district is exempt from the payment of sales and use taxes, all charges for taxes must be borne by the bidder.

5. The bid must note in detail any deviations from specifications. When the specifications indicate a product of a particular manufacturer, model, or brand, the bidder shall bid that particular manufacturer, model, or brand or, unless the specifications prohibit substitution, a substitute proven to be of equal or better grade. If a substitute is bid, the bid must include detailed documentation of its equivalency. Bidders may be required to submit samples of materials or products, to be retained by the Board. The Board shall determine the equivalency or acceptability of any substitute.

6. The manufacturer's written warrantees and guarantees must accompany each bid. Bidders should state in writing any additional guarantees that will become a part of the bid and considered in making the award.

7. The bid shall include a delivery date or the date on which services bid upon will commence.

8. Where applicable, service facilities and convenience of service will be considered as part of the bid and should be included by the bidder. When necessary, a bidder shall submit evidence of his or her ability to provide proper installation, service, and supplies and/or indicate that the provision of the services and supplies is a regular and continuous part of the bidder's business.

9. Where necessary, the bidder shall certify that all applicable Federal and State laws, municipal ordinances, and Board policies have been obeyed in the manufacture, processing, packaging, delivery, and sale of goods and services to the school district. The bidder must declare compliance with:

   a. Affirmative action requirements, pursuant to N.J.S.A. 18A:18A-51,

   b. Stockholders' disclosure statement, pursuant to N.J.S.A. 18A:12-2,

   c. Non-collusion certification, pursuant to N.J.S.A. 18A:6-8,

   d. And all other documents so required by law and the bid specification.

10. The bidder must declare that no member of the Board or any officer or employee of the school district is directly or indirectly interested in the contract or purchase bid on.

D. Receipt of Bids

1. Bids will be received at the time and place announced and will be opened by the School Business Administrator/Board Secretary or designee in accordance with law. All bids will be submitted in sealed envelopes clearly marked with the words "BID OPENING," the date and time of the opening, and the nature of the contract bid on.

2. Each bid may require it be accompanied by a deposit for bid security, which will be returned to unsuccessful bidders.

3. A written request for the withdrawal of a bid will be granted if the request is received by the School Business Administrator/Board Secretary before the scheduled time for opening bids.

4. A bidder who claims, before bids are opened, that a mistake has been made in its preparation will be allowed to withdraw the bid but will lose the right to bid.

5. A bidder who discovers a mistake or omission after bids have been opened may withdraw the erroneous bid provided the bidder gives immediate written notice of the mistake or omission and certification supported by clear evidence, that he or she exercised reasonable care in the examination of the specifications and preparation of the bid. Any bidder who withdraws an open bid may forfeit any bid security deposit with the bid.

E. Award of Contract

1. Bids will be opened by the School Business Administrator/Board Secretary or designee, in the presence of one or more witnesses, at the time and place advertised.

2. The Board will award and sign a contract or reject all bids in accordance with N.J.S.A. 18A:18A-36 and within the time as may be specified in the invitation to bid, but in no case more than sixty days, except that the bids of any bidders who consent may, at the request of the Board, be held for consideration for such longer period as may be agreed.

3. The Board will award the contract to the lowest responsible bidder or will reject all bids. If all bids are rejected, the Board will readvertise or purchase under a state contract.

4. The Board reserves the right to reject any bid and may waive technical deficiencies in an otherwise acceptable bid when such waiver is in the public interest.

5. No contract or order awarded by the Board shall be sublet or assigned without the written consent of the School Business Administrator/Board Secretary.

6. The successful bidder may be required in the bid specifications and upon award of the contract to furnish a surety or performance bond issued by a responsible surety company authorized to transact business in New Jersey, for 100% of the total contract price, insuring faithful performance of the contract. The bond, pursuant to N.J.S.A. 18A:18A-23 and 24, shall be payable to the Board and the cost of the bond is to be included in the bid.

7. The bidder's failure to perform his or her contract with the Board in accordance with the bid accepted by the Board or failure to meet performance bond requirements may result in forfeiture of the bidder’s deposit as liquidated damages and not as a penalty.

8. Every bidder is assumed to be acquainted with all the information necessary for the submission of an informed and responsible bid. A successful bidder will be responsible for any errors in his or her proposal resulting from the bidder's failure or neglect to obtain information and forecast costs. The Board will not be responsible for any change in anticipated profits resulting from such failure or neglect.

9. When a contractor fails to perform the terms of the contract promptly, the Board shall give written notice of default. If the contractor fails to cure the default within the time permitted by the notice, the Board may terminate the contract and, at the expense of the contractor or the surety, complete the contract or cause the contract to be completed.

F. Bidder Disqualification

1. The Board may, by resolution approved by a majority of the Board, and pursuant to N.J.S.A. 18A:18A-4 disqualify a bidder who would otherwise be determined to be the lowest responsible bidder, if the Board finds that it has had prior negative experience with the bidder.

   a. As used in this section, "prior negative experience" means any of the following:

      (1) The bidder has been found, through either court adjudication, arbitration, mediation, or other contractually stipulated alternate dispute resolution mechanism, to have: failed to provide or perform goods or services; or failed to complete the contract in a timely manner; or otherwise performed unsatisfactorily under a prior contract with the Board;

      (2) The bidder defaulted on a contract, thereby requiring the Board to utilize the services of another contractor to provide the goods or perform the services or to correct or complete the contract;

      (3) The bidder defaulted on a contract, thereby requiring the Board to look to the bidder’s surety for completion of the contract or tender of the costs of completion; or

(4) The bidder is debarred or suspended from contracting with any of the agencies or departments of the executive branch of the State of New Jersey at the time of the contract award, whether or not the action was based on experience with the Board.

b. The following conditions apply if the Board is contemplating a disqualification based on prior negative experience:

(1) The existence of any of the indicators of prior negative experience set forth in this section shall not require that a bidder be disqualified. In each instance, the decision to disqualify shall be made within the discretion of the Board and shall be rendered in the best interests of the Board.

(2) All mitigating factors shall be considered in determining the seriousness of the prior negative experience and in deciding whether disqualification is warranted.

(3) The bidder shall be furnished by the Board with a written notice

(a) Stating that a disqualification is being considered;

(b) Setting forth the reason for the disqualification; and

(c) Indicating that the bidder shall be accorded an opportunity for a hearing before the Board if the bidder so requests within a stated period of time. At the hearing, the bidder shall show good cause why the bidder should not be disqualified by presenting documents and testimony. If the Board determines that good cause has not been shown by the bidder, it may vote to find the bidder lacking in responsibility and, thus, disqualified.

(4) Disqualification shall be for a reasonable, defined period of time which shall not exceed five years.

(5) A disqualification, other than a disqualification pursuant to which a Board is prohibited by law from entering into a contract with a bidder, may be voided or the period thereof may be reduced, in the discretion of the Board, upon the submission of a good faith

application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as reversal of a judgment, or actual change of ownership, management or control of the bidder.

(6) An opportunity for a hearing need not be offered to a bidder whose disqualification is based on its suspension or debarment by an agency or department of the executive branch of the State of New Jersey. The term of such a disqualification shall be concurrent with the term of the suspension or debarment by the State agency or department.

Issued: 19 October 2011



R 6340 MULTIPLE YEAR CONTRACTS

A. All contracts for the provision or performance of goods or services will be awarded for a period not to exceed twenty-four consecutive months, except that contracts for professional services pursuant to paragraph (1) of subsection a. of N.J.S.A. 18A:18A-5 shall be awarded for a period not to exceed twelve consecutive months.

B. The Board may award a contract for longer periods of time as follows:

1. Supplying of:

   a. Fuel for heating purposes, for any term not exceeding in the aggregate, three years;

   b. Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, three years;

   c. Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding forty years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or

2. Plowing and removal of snow and ice, for any term not exceeding in the aggregate, three years; or

3. Collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, three years; or

4. Data processing service, for any term of not more than seven years; or

5. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school Board insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.A. 40A:10-6, or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more than three years; or

6. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind and textbooks and non-consumable instructional materials, for any term not exceeding in the aggregate, five years; provided, however, such contracts shall be awarded only subject to and in accordance with rules and regulations promulgated by the State Board of Education; or

7. Supplying of any product or the rendering of any service by a company providing voice, data, transmission or switching services, for a term not exceeding five years; or

8. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years;

9. Provision or performance of goods or services for the purpose of conserving energy in the building owned by any local Board of Education, the entire price of which shall be established as a percentage of the resultant savings in energy costs, for a term not to exceed fifteen years; except that these contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy costs;

10. Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

11. Laundry service and the rental, supply and cleaning of uniforms for any term of not more than three years;

12. Food supplies and food services for any term of not more than three years;

13. Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities or other contracting units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a term not to exceed the term of that contract.

C. Any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to the following limitations:

1. The contract must be awarded by resolution of the Board upon a finding by the Board that the services are being performed in an effective and efficient manner;

2. No such contract shall be extended so that it runs for more than a total of five consecutive years;

3. Any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the twelve months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same.

D. All multiyear leases and contracts entered into pursuant to N.J.S.A. 18A:18A-42, including any two-year or one-year extensions, except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school Board insurance group, participation in an insurance fund established by a county pursuant to N.J.S.A. 40A:10-6 or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the provision or performance of goods or services to promote energy conservation authorized pursuant to B.9. of this regulation shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

E. All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Public School Contracts Law," N.J.S.A. 18A:18A-1 et seq., except that a contract may be extended by mutual agreement of the parties to the contract when a Board of Education has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

Issued: 19 October 2011



R 6350 COMPETITIVE CONTRACTING

A. Definitions

1. "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter, but if there be no School Business Administrator/Board Secretary or Business Manager, such officer, committees or employees to whom such power has been delegated by the Board.

2. "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

3. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

4. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.

5. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board will advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.

6. "Contract year" means the period of twelve consecutive months following the award of a contract.

7. "Competitive contracting" means the method described in sections 45 through 49 of P.L.1999, c.440 (C.18A:18A-4.1 through C.18A:18A-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or School Business Administrator; and the Board awards a contract to a vendor or vendors from among the formal proposals received.

8. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.

9. "Library and educational goods and services" means textbooks, copyrighted materials, pupil produced publications and services incidental thereto, including but not limited to books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of textbooks or reference material.

10. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.

11. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.

12. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.

13. "Purchase order" means a document issued by the purchasing agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the Board, which, when fulfilled in accordance with the terms and conditions of a request of a purchasing agent and other provisions and procedures that may be established by the Board, will result in payment by the Board.

14. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the purchasing agent.

15. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

16. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

17. "Concession" means the granting of a license or right to act for or on behalf of the Board, or to provide a service requiring the approval or endorsement of the Board, and which may or may not involve a payment or exchange, or provision of services by or to the Board, provided that the term concession will not include vending machines.

18. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.

19. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.

B. Competitive Contracting

Competitive contracting may be used in lieu of public bidding for specialized goods or services that exceed the bid threshold provided the process is administered by a purchasing agent, by legal counsel of the Board, or by the School Business Administrator. The Board shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services are desired to be competitively contracted. If the desired goods or services have previously been contracted for using the competitive contracting process then the original resolution of the Board will suffice. Competitive contracting may only be used for the following purposes:

1. The purchase or licensing of proprietary computer software designed for Board purposes, which may include hardware intended for use with the proprietary software, but not for general purpose computer hardware or software;

2. The hiring of a for-profit entity or a not-for-profit entity incorporated under Title 15A of the New Jersey Statutes for the purpose of the operation, management or administration of recreation or social service facilities or programs; or the operation, management or administration of data processing services;

3. Services performed by an energy services company pursuant to N.J.S.A. 40A:18A-4.1.c.;

4. Telecommunications transmission or switching services that are not part of a tariff or schedule of charges filed with the Board of Public Utilities;

5. The purchase of specialized machinery or equipment of a technical nature, or servicing thereof, which will not reasonably permit the drawing of specifications;

6. Food services provided by food service management companies when not part of programs administered by the New Jersey Department of Agriculture, Bureau of Child Nutrition Programs;

7. Driver education courses provided by licensed driver education schools;

8. At the option of the Board, any good or service that is exempt from bidding pursuant to N.J.S.A. 18A:18A-5;

9. Laboratory testing services;

10. Concessions;

11. The operation, management or administration of other services, with the approval of the Division of Local Government Services in the Department of Community Affairs.

Any purpose included in 1 through 11 above, will not be considered by a Board as an extraordinary unspecifiable service pursuant to N.J.S.A. 18A:18A-5. Unless an exception is provided for under N.J.S.A. 18A:18A-42 permitting a longer contract duration, contracts awarded under competitive contracting may be for a term not to exceed five years.

C. Requests for Proposals

1. The purchasing agent will prepare request for proposal documentation, which will include:

   a. All requirements deemed appropriate and necessary to allow for full and free competition between vendors;

   b. Information necessary for potential vendors to submit a proposal; and

   c. A methodology by which the Board will evaluate and rank proposals received from vendors.

2. The methodology for the awarding of competitive contracts will be based on an evaluation and ranking, which will include technical, management, and cost related criteria, and may include a weighting of criteria. This methodology will be developed in a way that is intended to meet the specific needs of the district and where such criteria will not unfairly or illegally discriminate against or exclude otherwise capable vendors.

   a. When an evaluation methodology uses a weighting of criteria, at the option of the Board the weighting to be accorded to each criterion may be disclosed to vendors prior to receipt of the proposals.

   b. The methodology for awarding competitive contracts will comply with such rules and regulations as the Director of the Division of Local Government Services in the Department of Community Affairs may adopt in accordance with N.J.S.A. 18A-4.4(a).

3. At no time during the proposal solicitation process will the purchasing agent convey information, including price, to any potential vendor which could confer an unfair advantage upon that vendor over any other potential vendor. If a purchasing agent desires to change proposal documentation, the purchasing agent will notify only those potential vendors who received the proposal documentation of any and all changes in writing and all existing documentation will be changed appropriately.

4. All proposals and contracts will be subject to the provisions of section 1 of P.L.1977, c.33 (C.52:25-24.2) requiring submission of a statement of corporate ownership and the provisions of P.L.1975, c.127 (C.10:5-31 et seq.) concerning equal employment opportunity and affirmative action.

D. Soliciting, Evaluating and Awarding Competitive Bid Contracts

1. Notice of the availability of Request for Proposal

a. Request for Proposal documentation will be published in an official newspaper of the Board at least twenty days prior to the date established for the submission of proposals.

b. The purchasing agent will promptly reply to any request by an interested vendor by providing a copy of the request for proposals.

c. The Board may charge a fee for the proposal documentation that will not exceed $50.00 or the cost of reproducing the documentation, whichever is greater.

2. Submission of Request for Proposals

a. Each interested vendor will submit a proposal which will include all the information required by the request for proposals.

b. Failure to meet the requirements of the request for proposals may result in the Board disqualifying the vendor from further consideration.

c. Under no circumstances will the provisions of a proposal be subject to negotiation by the Board.

3. Competitive Contracting - Subcontracting Services

a. If the Board, at the time of solicitation, utilizes its own employees to provide the goods or perform the services, or both considered for competitive contracting, the Board will, at any time prior to, but no later than the time of solicitation for competitive contracting proposals, notify affected employees of the Board's intention to solicit competitive contracting proposals.

b. Employees or their representatives will be permitted to submit recommendations and proposals affecting wages, hours, and terms and conditions of employment in such a manner as to meet the goals of the competitive contract.

c. If employees are represented by an organization that has negotiated a contract with the Board, only the bargaining unit will be authorized to submit such recommendations or proposals.

d. When requested by such employees, the Board will provide such information regarding budgets and the costs of performing the services by such employees as may be available.

e. Nothing will prevent such employees from making recommendations that may include modifications to existing labor agreements in order to reduce such costs in lieu of award of a competitive contract, and agreements implementing such recommendations may be considered as cause for rejecting all other proposals.

4. Evaluation of Requests for Proposals

a. The purchasing agent will evaluate all proposals only in accordance with the methodology described in the request for proposals. After proposals have been evaluated, the purchasing agent will prepare a report in accordance with N.J.S.A. 18A:18A-4.5d evaluating and recommending the award of a contract or contracts. The report will:

(1) List the names of all potential vendors who submitted a proposal and will summarize the proposals of each vendor;

(2) Rank vendors in order of evaluation;

(3) Recommend the selection of a vendor or vendors, as appropriate, for a contract;

(4) Be clear in the reasons why the vendor or vendors have been selected among others considered; and

(5) Detail the terms, conditions, scope of services, fees, and other matters to be incorporated into a contract.

The report will be made available to the public at least forty-eight hours prior to the awarding of the contract, or when made available to the Board, whichever is sooner. The Board will have the right to reject all proposals for any of the reasons set forth in N.J.S.A. 18A:18A-22.

5. Award of Contract

Award of a contract will be made by resolution of the Board within sixty days of the receipt of the proposals, except that the proposals of any vendors who consent thereto, may, at the request of the Board, be held for consideration for such longer period as may be agreed.

6. Competitive Contracting Report

The report prepared pursuant to N.J.S.A. 18A:18A-4.5d of this section will become part of the public record and will reflect the final action of the Board. Contracts will be executed pursuant to N.J.S.A. 18A:18A-40.

7. Publication of Contracts Awarded Using Competitive Contracting

a. The Secretary of the Board will publish a notice in the official newspaper of the Board summarizing the award of a contract, which will include but not be limited to:

(1) The nature, duration, and amount of the contract;

(2) The name of the vendor; and

(3) A statement that the resolution and contract are on file and available for public inspection in the office of the Secretary of the Board.

Issued: 19 October 2011



R 6421 PURCHASES BUDGETED

A. Definitions

1. "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter.

2. "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

3. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

4. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.

5. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board shall advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.

6. "Contract year" means the period of twelve consecutive months following the award of a contract.

7. "Competitive contracting" means the method described in sections 45 through 49 of P.L.1999, c.440 (C.18A:18A-4.1 through C.18A:18A-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or School Business Administrator; and the Board awards a contract to a vendor or vendors from among the formal proposals received.

8. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.

9. "Library and educational goods and services" means textbooks, copyrighted materials, pupil produced publications and services incidental thereto, including but not limited to books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of textbooks or reference material.

10. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.

11. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.

12. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.

13. "Purchase order" means a document issued by the purchasing agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the Board, which, when fulfilled in accordance with the terms and conditions of a request of a purchasing agent and other provisions and procedures that may be established by the Board, will result in payment by the Board.

14. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the purchasing agent.

15. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

16. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

17. "Concession" means the granting of a license or right to act for or on behalf of the Board, or to provide a service requiring the approval or endorsement of the Board, and which may or may not involve a payment or exchange, or provision of services by or to the Board, provided that the term concession shall not include vending machines.

18. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.

19. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.

B. All purchasing for the school district will be conducted under the authority of the purchasing agent as defined in N.J.S.A. 18A:18A-2.b. and as designated by the Board.

C. Any contract, the amount of which exceeds the bid threshold, shall be negotiated and awarded by the Board by resolution at a public meeting without public advertising for bids and bidding therefore if the subject matter thereof consists of:

1. Professional services. The Board will in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in an official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the Board;

2. Extraordinary unspecifiable services which cannot reasonably be described by written specifications. The Board will in each instance state supporting reasons for its action in the resolution awarding the contract for extraordinary unspecifiable services and shall forthwith cause to be printed, in the manner set forth in C.1. above a brief notice of the award of such contract;

3. The doing of any work by employees of the Board;



4. The printing of all legal notices; and legal briefs, records and appendices to be used in any legal proceeding in which the Board may be a party;

5. Library and educational goods and services;

6. Food supplies, including food supplies for home economics classes, when purchased pursuant to rules and regulations of the State Board and in accordance with the provisions of N.J.S.A. 18A:18A-6;

7. The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with the tariffs and schedules of charges made, charged and exacted, filed with said Board;

8. The printing of bonds and documents necessary to the issuance and sale thereof by a Board;

9. Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

10. Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

11. Publishing of legal notices in newspapers as required by law;

12. The acquisition of artifacts or other items of unique intrinsic, artistic or historic character;

13. Those goods and services necessary or required to prepare and conduct an election;

14. The doing of any work by persons with disabilities employed by a sheltered workshop;

15. Expenses for travel and conferences;

16. The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or acquire or update non-proprietary software;

17. Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;

18. Goods and services paid with funds that: are raised by or collected from pupils to support the purchase of pupil oriented items or materials, such as yearbooks, class rings, and a class gift; and are deposited in school or pupil activity accounts; and require no budget appropriation from the Board;

19. Food services provided by food service management companies pursuant to procedures established by the New Jersey Department of Agriculture, Bureau of Child Nutrition Programs;

20. Vending machines providing food or drink.

D. Any contract, the amount of which exceeds the bid threshold, shall be negotiated and awarded by the Board by resolution at a public meeting without public advertising for bids and bidding therefore

1. If the contract is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any Board, body, officer, agency, authority or Board or any other State or subdivision thereof.

2. Bids have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and

   a. No bids have been received on both occasions in response to the advertisement, or

   b. The Board has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the prior to the advertising therefor, or have not been independently arrived at in open competition, or

   c. On one occasion no bids were received pursuant to a. above and on one occasion all bids were rejected pursuant to b. above, in whatever sequence; any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the Board authorizing such a contract; provided, however, that:

(1) A reasonable effort is first made by the Board to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the Board is located, or any municipality in close proximity to the Board;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to N.J.S.A. 18A:18A-4; and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to N.J.S.A. 18A:18A-4 shall be stated in the resolution awarding the contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the Board will notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the Board shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such goods or services.

3. Whenever the Board determines that a bid was not arrived at independently in open competition pursuant to subsection c.(2) of N.J.S.A. 18A:18A-5, it shall thereupon notify the county prosecutor of the county in which the Board is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

4. The Board has solicited and received at least three quotations on materials, supplies or equipment for which a State contract has been issued pursuant to N.J.S.A. 18A:18A-10, and the lowest responsible quotation is at least 10% less than the price the Board would be charged for the identical materials, supplies or equipment, in the same quantities, under the State contract. Any such contract will be entered into in accordance with N.J.S.A. 18A:18A-5.e. and may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the Board at a meeting thereof authorizing such a contract or agreement.

E. Quotations

1. For all contracts that in the aggregate are less than the bid threshold but fifteen percent or more of that amount, and for those contracts that are for subject matter enumerated in subsection a. of N.J.S.A. 18A:18A-5, except for paragraph (1) of that subsection concerning professional services and paragraph (3) of that subsection concerning work by employees of the Board, the purchasing agent shall award the contract after soliciting at least two competitive quotations, if practicable. The award shall be made to a vendor whose response is most advantageous, price and other factors considered. The purchasing agent shall retain the record of the quotation solicitation and shall include a copy of the record with the voucher used to pay the vendor.

2. When in excess of the bid threshold, and after documented effort by the purchasing agent to secure competitive quotations, a contract for extraordinary unspecifiable services may be awarded when the purchasing agent has determined in writing that solicitation of competitive quotations is impracticable. Any such contract shall be awarded by resolution of the Board.

3. Whenever two or more responses to a request of a purchasing agent offer equal prices and are the lowest responsible bids or proposals, the Board may award the contract to the vendor whose response, in the discretion of the Board, is the most advantageous, price and other factors considered. In such a case, the award resolution or purchase order documentation shall explain why the vendor selected is the most advantageous.

F. Requisitions

1. A requisition for goods and/or services may be originated by any school district employee who perceives a need for such goods and/or services.

2. The requisitioner will prepare and sign a requisition form, filling in the following information:

   a. Description and quantity of item or service desired;

   b. Unit price and total amount (actual or estimated) of proposed purchase;

   c. Desired brand or vendor;

   d. The building, program, subject, or class in which the goods or service will be used;

e. The name and title of the requisitioner; and

f. The date on which the requisition is filed.

3. Requisitions for lost or stolen equipment must be accompanied by an explanatory report.

4. The requisitioner will retain a copy of the requisition form. Copies of the requisition form will be filed with the Principal or the appropriate supervisor for consideration.

5. The Principal or immediate supervisor will determine:

a. The need for the requisitioned goods or services;

b. Whether the desired goods or services are presently available elsewhere in the district or are available without cost from another source;

c. The appropriateness of the proposed expenditure;

d. Whether the requisition can be combined with others for greater efficiency and economy;

e. Whether the originator's needs can be better met by an alternate purchase; and

f. Whether uncommitted funds remain in the budget allocations to the school or program, sufficient to cover the proposed expenditure.

6. A requisition not approved by the Principal or immediate supervisor will be returned to the requisitioner with the reason for its rejection.

7. When approval is given, the Principal or immediate supervisor will sign and date the requisition, indicate the account to be charged, retain the duplicate copy, and file the original with the School Business Administrator/Board Secretary, for approval.

8. A requisition that originates with a Principal, immediate supervisor, or central office administrator must be approved by the School Business Administrator/ Board Secretary.

9. If the School Business Administrator/Board Secretary denies approval of a requisition approved or originated by a Principal, immediate supervisor, or central office administrator, he or she will so notify the approver or originator with the reason for the denial.

G. Purchase Orders

1. Before a purchase order is prepared for an approved requisition, the School Business Administrator/Board Secretary shall determine whether:

   a. The proposed purchase is exempt from bid in accordance with N.J.S.A. 18A:18A-5;

   b. If appropriate, vendors' quotations have been solicited in accordance with F above;

   c. The requisition can be processed without resort to advertisement for bid or solicitation of quotations; or

   d. The proposed purchase is in excess of the bid threshold and may be Competitively Contracted in accordance with N.J.S.A. 18A:18A-4.5.

2. A requisition that is not exempt from bid shall be submitted to the School Business Administrator/Board Secretary for advertisement.

3. Approved requisitions must be authorized as follows:

   a. If within the budget and not subject to bid, authorized by the School Business Administrator/Board Secretary;

   b. If within the budget and subject to bid, authorized by a Board resolution awarding a contract after bid;

   c. If not in the budget or in excess of the line item allocation, authorized by the Board or, as permitted by Policy No. 6422 between Board meetings, by the School Business Administrator/Board Secretary.

4. To prepare a purchase order, the School Business Administrator/Board Secretary shall

   a. Verify and enter the account to which the purchase will be assigned;

   b. Assign a purchase order number to the expenditure;

c. Verify and enter the name and address of the vendor;

d. Verify and enter the description of the goods and/or services, including, as appropriate, the quality standards of the goods sought;

e. Verify as necessary, by telephone call to the vendor or by reference to a catalog, and enter the unit cost of the goods and/or services;

f. Extend and total costs;

g. Check that the requisition has been properly approved and authorized; and

h. Determine and enter the desired delivery date and any necessary delivery instructions.

5. Each purchase order will be completed in full and forwarded to the School Business Administrator/Board Secretary for approval and signature.

6. The School Business Administrator/Board Secretary shall encumber the appropriate account in the amount of the purchase order.

7. Copies of the purchase order will be distributed as required.

8. A purchase order may be issued to confirm an oral order given to a vendor under bona fide emergency circumstances, pursuant to Policy No. 6422. A confirmation order will be so designated.

9. Open purchase orders may be written for vendors who regularly provide the school district with certain goods and/or services. Any open purchase order may be exempt from the requirement for bidding, must specify a "not to exceed" amount, and must be closely monitored to determine that the aggregate amount of goods and/or services does not exceed the bid threshold in any twelve month period.

H. Payment

Purchases will be paid in accordance with Policy No. 6470 and Regulation No. 6470.

Issued: 19 October 2011



R 6422 BUDGET TRANSFERS

A. Transfer of Surplus or Other Unbudgeted or Underbudgeted Revenue Between April 1 and June 30

1. The Board may transfer surplus or other unbudgeted or underbudgeted revenue between April 1 and June 30 only upon prior approval of the transfer by the Executive County Superintendent, as the Commissioner's designee, pursuant to N.J.S.A. 18A:22-8.1.

2. Requests must be received by June 30.

3. All approved transfer requests must be expended or encumbered for the approved use by June 30, or the district shall reserve and designate such funds for tax relief in the subsequent budget year.

4. To request approval of such transfers, the district shall submit to the Executive County Superintendent the following:

   a. Documentation of approval of the transfer by a two-thirds affirmative vote of the authorized membership of the Board;

   b. Certification by that same membership of the Board that the transfer is necessary to achieve the thoroughness standards for the current year. The certification shall include the purpose, need of transfer and include, at a minimum, a list of specific line items to be transferred into and corresponding amounts. Requests to appropriate surplus for textbooks, computers, equipment, or other needs for use and operation for the subsequent school year is not considered a need for the current year and shall not be approved; and

   c. The latest Board Secretary's report as documentation that no other line item balances are available and all appropriation balances are or will be expended or encumbered.

B. Transfer of Surplus or Other Unbudgeted or Underbudgeted Revenue Prior to April 1

1. Prior to April 1, the Board may petition the Commissioner, by a two-thirds affirmative vote of the authorized membership of the Board, for approval of a transfer of surplus or other unbudgeted or underbudgeted revenue only for an emergent circumstance.

2. The district shall be subject to an on-site inspection by the Executive County Superintendent for verification of the emergent circumstance and other supporting documentation.

3. The district shall submit such Board-approved petition to the Executive County Superintendent for recommendation to the Commissioner. At a minimum, the submission shall include the following:

   a. Certification the transfer is necessary for an emergent circumstance, that no other line item balances are or will be available, and that the remaining surplus will enable the district to operate in a fiscally solvent position for the remainder of the budget year;

   b. Documentation the emergent circumstance, if not addressed through an appropriation of additional revenue, would render peril to the health and safety of pupils or staff, and/or force the district into an operating deficit as a result of the required implementation of the thoroughness standards;

   c. The latest Board Secretary's report as documentation that no other line item balances are or will be available as set forth in (1) below:

      (1) Any unexpended, unencumbered balances are for non-discretionary fixed costs and supported by historical expenditures or other documentation ensuring that the balances will be expended by June 30.

   d. Evidence of approval of the petition and supporting documentation by a two-thirds affirmative vote of the authorized membership of the Board.

C. Appropriations at Any Time Without Commissioner Approval

1. The Board may at any time and without Commissioner approval:

   a. Appropriate unbudgeted or underbudgeted State aid for which the approval was granted by the Department of Education in the written notification to the Board of the additional aid;

   b. Appropriate unbudgeted and underbudgeted tuition revenue generated from a school district-specific program, which is not part of a formal sending-receiving relationship pursuant to N.J.S.A. 18A:38-19 and 18A:46-21;

c. Appropriate unbudgeted or underbudgeted school transportation revenue generated from a school district's or Coordinated Transportation Services Agency's role as the host provider of school transportation services pursuant to N.J.S.A. 18A:39-11 and 18A:39-11.1;

d. Appropriate unbudgeted or underbudgeted restricted miscellaneous local revenue;

e. Appropriate unbudgeted or underbudgeted Federal revenue; and

f. Appropriate surplus generated from any Federal and/or State revenue excluded from the excess surplus calculation in the prebudget year in accordance with the annual audit program.

D. Transfers from General Fund Appropriation Accounts

1. For the purposes of Policy and Regulation 6422, "general fund appropriation account" means the required advertised appropriation accounts pursuant to N.J.S.A. 18A:22-1 et seq., except where consolidated as follows:

a. Basic skills, bilingual and special education instruction, including other related and extraordinary services;

b. Student activities, student athletics, and other student instructional services;

c. Student support services, including attendance, health, guidance, Child Study Team, and media;

d. Improvement of instruction and staff training; and

e. Special programs (Fund 13).

2. For all transfers from any general fund appropriation account as defined in D.1. above, and as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to C. above, the Board shall obtain the approval for such transfers by two-thirds affirmative vote of the authorized membership of the Board, pursuant to N.J.S.A. 18A:22-8.1.



a. When the total amount of such transfers, on a cumulative basis, exceeds ten percent of the amount of the account that was included in the school district's budget as certified for taxes, as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to C. above, the Board shall request in writing approval from the Executive County Superintendent, as the Commissioner's designee, by submitting the request and purpose for the transfer using the report pursuant to (1) below.

(1) The Board may request approval from the Executive County Superintendent prior to obtaining the two-thirds affirmative vote of the authorized membership of the school Board for such approval.

(2) The Board's written transfer request shall be deemed approved after ten working days of receipt of such request by the Executive County Superintendent if no Executive County Superintendent approval or denial is provided within that timeframe. The district shall maintain documentation of the Executive County Superintendent's receipt of all transfer requests deemed approved under this provision.

b. Prior to any transfers from capital outlay accounts to current expense, except for equipment, the district shall submit a written request for approval to the Executive County Superintendent with documentation that such transfer is required due to demonstrated hardship.

E. Transfers to Certain Advertised Appropriation Accounts

1. For all transfers to the advertised appropriation accounts identified as general administration, school administration, central services and administrative information technology, or other support services that, on a cumulative basis, exceed ten percent of the amount of the account included in the school district's budget as certified for taxes, amended to include prior year encumbrances carried forward to the current year, a Board shall, prior to such transfer, submit to the Executive County Superintendent, in a format prescribed by the Commissioner, a request for such approval.

a. Such approval will not be granted, except as provided in b. below if:

(1) The school district's budget currently exceeds the administrative cost limits; or

(2) The transfer would result in a budget in excess of the administrative cost limits in the applicable budget year, as prescribed in N.J.S.A. 18A:7F-5(c).

b. Transfers may be approved to support a contractual obligation or one-time increase in spending as justified by district documentation. Transfers may not be approved if the district did not budget sufficient funds upon review of actual expenditures and historical trends in those accounts. A district that is granted such approval remains subject to the requirements set forth in N.J.S.A. 18A:7F-5(c).

F. Transfers to Capital Outlay Accounts

1. For all transfers to the advertised appropriation accounts identified as capital outlay for a capital outlay project not previously approved by the voters or Board of School Estimate pursuant to N.J.A.C. 6A:23A-8.4, the Board shall, prior to such transfer, submit to the Executive County Superintendent a request for such approval.

Approvals are required for unbudgeted or underbudgeted revenue, including those listed and appropriated pursuant to C. above and shall only be granted for requests with written documentation that supports the existence of an emergent circumstance as defined in B.3.b. above and only after an on-site inspection by the Executive County Superintendent to verify the emergent circumstance. Transfers to equipment accounts or to supplement a capital outlay project previously approved by the voters or Board of School Estimate, pursuant to N.J.A.C. 6A:23A-8.4, do not require approval by the Executive County Superintendent.

a. The district shall maintain a report of current month and year-to-date transfers between general fund appropriation accounts as defined in D. above, in a format prescribed by the Commissioner, or in a format developed locally and approved by the Executive County Superintendent, and submit such report to the Executive County Superintendent with any transfer requests and in accordance with the submission requirements of the Board Secretary's and Treasurer's financial reports under N.J.A.C. 6A:23A-16.10.

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R 6424 EMERGENCY CONTRACTS

A. Any contract may be negotiated or awarded for a Board of Education without public advertising for bids and notwithstanding that the contract price will exceed the bid threshold when an emergency affecting the health or safety of occupants of school property requires the immediate delivery of goods or the performance of services, provided that the contracts are awarded in the following manner:

1. The official in charge of the building, facility, or equipment wherein the emergency occurred or such other officer or employee as may be authorized to act in place of that official, shall notify the purchasing agent and/or School Business Administrator/Board Secretary of:

   a. The need for the performance of a contract;

   b. The nature of the emergency;

   c. The time of its occurrence; and

   d. The need for invoking this section.

2. Such notification shall be reduced to writing and filed with the purchasing agent and School Business Administrator/Board Secretary as soon as practicable.

3. If the School Business Administrator/Board Secretary is satisfied that an emergency exists, he/she shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs.

B. Upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services, shall be entitled to be paid and the Board shall be obligated for said payment. The Board shall take such action as shall be required to provide for the payment of the contract price.

C. If conditions permit, the School Business Administrator/Board Secretary shall seek quotations from more than one source. And, if the expenditures are expected to be in excess of the bid threshold, the School Business Administrator/Board Secretary shall attempt to obtain no fewer than three quotations.

D. When emergency conditions have eased, the School Business Administrator/Board Secretary shall utilize the regular purchasing system to obtain estimates from suppliers, vendors, and contractors for materials and/or services that will eliminate the circumstances that created the emergency.

E. The School Business Administrator/Board Secretary shall submit a final report to the Board on every occasion an emergency contract is negotiated or awarded in accordance with the provisions of N.J.S.A. 18A:18A-7. The report shall describe:

1. The nature of the emergency;

2. The time of its occurrence;

3. The need for invoking this regulation;

4. The action taken;

5. The costs of the action;

6. The accounts to be charged; and

7. The plan for preventing a similar situation in the future.

Adopted: 19 October 2011

R 6470 PAYMENT OF CLAIMS

A. Receipt of Goods and Services

1. The staff member who receives goods or services shall check them against the purchase order issued and determine whether the goods or services delivered meet the specifications and quantities set forth in the purchase order.

2. The receiving staff member will record his or her approval of the received goods or services on the receiving copy of the purchase order and return it to the Business office. A copy of the purchase order will be retained by the receiving administrator.

3. Any over supply, shortage, substitution, or other discrepancy must be reported immediately to the School Business Administrator/Board Secretary or designee.

B. Approval of Invoice

1. The School Business Administrator/Board Secretary or designee shall verify the vendor's invoice for the correct billing price and check the invoice for accurate extensions and omission of tax.

2. The School Business Administrator/Board Secretary or designee shall attach the vendor's invoice and voucher, if a voucher is necessary, to the copy of the purchase order received from the requisitioner certifying satisfactory completion.

3. If the invoice price exceeds the purchase order price the invoice will be referred to the School Business Administrator/Board Secretary, who will only approve a payment amount in excess of the approved purchase order amount in accordance with the provisions of Policy 6470 and N.J.A.C. 6A:23A-6.10.

4. If extensions are incorrectly calculated, the invoice will be returned to the vendor for correction.

5. If tax has been charged, the invoice will be returned to the vendor for correction with a copy of the district's tax exemption certificate.

6. If goods or services received were not satisfactory, the receiving officer and the vendor will be consulted in order to reach a resolution satisfactory to all parties.

7. The verified invoice, voucher (if necessary), verified receipt, and all accompanying papers will be forwarded to the School Business Administrator/Board Secretary or designee.

C. Issuance of Warrants

1. The School Business Administrator/Board Secretary or designee may prepare warrants for expenditures for which the Board has waived approval and which are listed in Policy No. 6470:

   a. Interest on bonds as it becomes due,

   b. Payments to redeem bonds as they become due,

   c. Progress payments to contractors in accordance with a contract approved by the Board, and

   d. Warrants to cover payroll and approved agency account deposits.

2. Expenditures made without prior Board approval must be reported to the Board at its next meeting after the warrant is drawn and included in the list of warrants.

3. All other demands for payment will be submitted to the Board for approval.

4. In accordance with Policy No. 6470, claims must be submitted to the Board in the form of a list that includes the:

   a. Number, amount, and date of the warrant,

   b. Payee,

   c. Reason for the expenditure, and

   d. Account charged.

5. The authorized Business office staff member will debit the correct account and credit the encumbrance.

6. A warrant will be prepared for the payment of goods or services. The warrant number will be recorded on the file copy of the vendor's invoice.

7. All warrants shall be signed by the Board President, the Board Secretary, and the Treasurer of School Moneys.

8. Each warrant may have an imprint of the signatures of the Board President, Board Secretary and the Treasurer of School Moneys affixed by the computerized system when the warrants are printed.

   The computer system used to prepare warrants and affix signatures shall have appropriate security software to assure that unauthorized individuals do not have access to the system.

Issued: 19 October 2011



R 6471 SCHOOL DISTRICT TRAVEL

A. Definitions (N.J.S.A. 6A:23A-1.2)

1. For the purpose of this Policy, "travel expenditures" means those costs paid by the school district using local, State, or Federal funds, whether directly by the school district or by employee reimbursement, for travel by school district employees and district Board of Education members, to the following five types of travel events:

   a. Training and seminars – means all regularly scheduled, formal residential or non-residential training functions conducted at a hotel, motel, convention center, residential facility, or at any educational institution or facility;

   b. Conventions and conferences – means general programs, sponsored by professional associations on a regular basis, which address subjects of particular interest to a school district or are convened to conduct association business. The primary purpose of employee attendance at conferences and conventions is the development of new skills and knowledge or the reinforcement of those skills and knowledge in a particular field related to school district operations. These are distinct from formal staff training and seminars, although some training may take place at such events;

   c. School district sponsored events – means conferences, conventions, receptions, or special meetings, where the school plans, develops, implements, and coordinates the event and is the event's primary financial backer. School district employees are actively involved in working the event and other employees may attend as participants;

   d. Regular school district business travel – means all regular official business travel, including attendance at meetings, conferences, and any other gatherings which are not covered by the definitions included in a., b., and c. above. Regular school district business travel also includes attendance at regularly scheduled in-State county meetings and Department-sponsored or association-sponsored events provided free of charge and regularly scheduled

in-State professional development activities with a registration fee that does not exceed $150 per employee or district Board member. The $150 limit per employee or district Board member may be adjusted by inflation; and

e. Retreats – means meetings with school district employees and school Board members, held away from the normal work environment at which organizational goals and objectives are discussed. If available, school district facilities shall be utilized for this type of event.

B. Maximum Travel Budget (N.J.A.C. 6A:23A-7.3)

1. Annually in the prebudget year, the Board of Education shall establish by resolution a maximum travel expenditure amount for the budget year, which the school district shall not exceed. The resolution shall also include the maximum amount established for the prebudget year and the amount spent to date.

a. The maximum school district travel expenditure amount shall include all travel supported by local and State funds.

b. The Board may exclude travel expenditures supported by Federal funds from the maximum travel expenditure amount.

(1) If Federal funds are excluded from the established maximum amount, the Board shall include in the resolution the total amount of travel supported by Federal funds from the prior year, prebudget year, and projected for the budget year.

c. Exclusion of Federal funds from the annual maximum travel budget shall not exempt such travel from the requirements applicable to State and local funds.

2. The Board of Education may authorize an annual maximum amount per employee for regular business travel only for which Board of Education approval is not required.

a. The annual maximum shall not exceed $1,500 and shall be subjected to the approval requirements in N.J.S.A. 18A:19-1.

b. Regular school district business travel as defined in N.J.A.C. 6A:23A-1.2 and in this Regulation shall include attendance at regularly scheduled in-

State county meetings and Department-sponsored or association-sponsored events provided free of charge. It also shall include regularly scheduled in-State professional development activities for which the registration fee does not exceed $150 per employee or Board member.

c. Regular school district business travel shall require approval of the Superintendent prior to obligating the school district to pay related expenses and prior to attendance at the travel event.

(1) The Superintendent shall designate an alternate approval authority to approve travel requests in his or her absence when necessary to obtain timely district Board of Education approval.

(2) The Superintendent shall establish, in writing, the internal levels of approval required prior to his or her approval of the travel event, as applicable.

C. Travel Approval Procedures (N.J.A.C. 6A:23A-7.4)

1. All travel requests for employees of the school district shall be submitted to the Superintendent or designee and approved in writing by the Superintendent and approved by a majority of the Board of Education's full voting membership, except if the Board has excluded regular business travel from prior approval in Policy 6471 pursuant to N.J.A.C. 6A:23A-7.3(b), prior to obligating the school district to pay related expenses and prior to attendance at the travel event.

a. The Superintendent shall designate an alternate approval authority to approve travel requests in his or her absence when necessary to obtain timely Board approval.

b. The Superintendent shall establish, in writing, the internal levels of preliminary approval required prior to the Superintendent's approval of the travel event, as applicable.

(1) The School Business Administrator/Board Secretary or designee shall review all travel requests either before or after the Superintendent's approval and prior to submission of the Board for approval to determine if the expenses as outlined in the request are in compliance with the requirements of N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, the current State travel payment guidelines established by the Department of the Treasury, and the current guidelines established by the Federal Office of Management and Budget.

(a) If any travel expenses requested are not in compliance with the guidelines outlined above, the School Business Administrator/Board Secretary or designee will return the request to be revised in accordance with the guidelines outlined above.

(b) The Superintendent may deny the request, approve the request conditioned upon the staff member assuming the financial responsibility for those travel expenses that are not in compliance with the guidelines, or may return the request to the school staff member to be revised in accordance with the guidelines outlined above.

2. All travel requests for Board members shall require prior approval by a majority of the Board's full voting membership, except where the Board has excluded regular business travel from prior approval pursuant to N.J.A.C. 6A:23A-7.3(b), and the travel shall be in compliance with N.J.S.A. 18A:12-24 and 24.1.

3. The Board of Education may approve, at any time prior to the event, travel for multiple months as long as the approval detailed in Board of Education minutes itemizes the approval by event, total cost, and number of employees and/or Board members attending the event. General or blanket pre-approval shall not be authorized.

4. All travel requests shall receive prior approval of the Board of Education except if the Board has excluded from the requirements prior Board approval of any travel caused by or subject to existing contractual provisions, including grants and donations, and other statutory requirement, or Federal regulatory requirements in Policy 6471 pursuant to N.J.A.C. 6A:23A-7.4(d). For the exclusion of prior Board approval to apply, the required travel event shall be detailed, with number of employees(s), Board member(s), and total cost in the applicable contract, grant, donation, statute, or Federal regulation.

   a. This shall not include general grant guidelines or regulations that are permissive, but do not require the travel event, unless the specific travel event, number of employee(s), Board member(s), and total cost is detailed in the approved grant, donation, or other fund acceptance agreement.



b. This shall not include general contractual provisions in employment contracts for continuing education or professional development, except if the Board has included in its policy a maximum amount per employee for regular business travel that does not require prior Board of Education approval pursuant to N.J.A.C. 6A:23A-7.3.

5. If occasional unforeseen situations arise wherein a travel request cannot obtain prior approval of the Board of Education, justification shall be included in the text of the travel request.

a. Such requests shall require prior written approval of the Superintendent or designee, and the Executive County Superintendent or designee.

b. The Board shall ratify the request at its next regularly scheduled meeting.

c. Travel to conferences, conventions, and symposiums shall not be considered emergencies and shall not be approved after the fact.

6. Subsequent to pre-approval by a majority of the full voting membership of the Board of Education, reimbursement of prospective employee travel expense shall be pre-approved by the Executive County Superintendent.

D. Required Documentation for Travel (N.J.A.C. 6A:23A-7.5)

1. The Board of Education requires the documentation listed in D.2. below to justify the number of employees attending an event and the benefits to be derived from their attendance;

2. Neither the Superintendent or designee, nor the Board of Education shall approve a travel request unless it includes, at a minimum, the following information:

a. The name and date(s) of the event;
b.
b. A list of Board members and/or employees to attend, either by name and title;

c. The estimated cost associated with travel;

d. A justification and brief statement that includes the primary purpose for the travel, the key issues that will be addressed at the event, and their relevance to improving instruction or the operation of the school district.

(1) For training events, the statement must include whether the training is for a certification required for continued employment, continuing education requirements, requirements of Federal or State law, or other purpose related to the programs and services currently being delivered or soon to be implemented in the school district; or related to school district operations;

e. The account number and funding source - Federal, State, private, or local; and

f. For annual events, the total attendance and cost for the previous year.

3. The school district shall maintain documentation on file that demonstrates compliance with the Board of Education's travel policy, including travel approvals, reports, and receipts for all school district funded expenditures, as appropriate.

E. School Business Administrator/Board Secretary Responsibilities Regarding Accounting for Travel (N.J.A.C. 6A:23A-7.6)

1. The School Business Administrator/Board Secretary or designee shall prepare itemized travel budgets by function and object of expense for each cost center, department, or location maintained in the school district's accounting system, as applicable, as part of the preparation of and documentation for the annual school district budget.

a. The aggregate amount of all travel budgets shall not exceed the Board of Education approved maximum travel expenditure amount for the budget year as required by N.J.A.C. 6A:23A-7.3.

2. The School Business Administrator/Board Secretary shall maintain separate accounting for school district travel expenditures, as necessary, to ensure compliance with the school district's maximum travel expenditure amount. The separate accounting tracking system may include, but need not be limited to, a separate or offline accounting of such expenditures or expanding

the school district's accounting system. The tracking system shall be sufficient to demonstrate compliance with Policy and Regulation 6471 and N.J.A.C. 6A:23A-7, and shall be in a detailed format suitable for audit.

3. The School Business Administrator/Board Secretary or designee shall review and approve the cost and supporting documentation required by N.J.A.C. 6A:23A-7 and submitted by the person(s) having incurred travel expense. The School Business Administrator shall not approve or issue payment of travel expenditures or reimbursement requests until all required documentation and information to support the payment has been submitted, and shall not approve any travel expenditure that, when added to already approved travel expenditures, would exceed the Board of Education approved maximum travel expenditure amount for the budget year.

4. The School Business Administrator/Board Secretary shall be responsible for the adequacy of documentation of transactions processed by his or her staff and the retention of the documentation to permit audits of the records.

5. A Board of Education employee, a Board member, or an organization shall not receive partial or full payment for travel and travel-related expenses in advance of the travel, pursuant to N.J.S.A. 18A:19-1 et seq. The payment of travel and travel-related expenses, including travel-related purchases for which a purchase order is not applicable, shall be made personally by a school district employee or Board member and reimbursed at the conclusion of the travel event. N.J.A.C. 6A:23A-7.6, Policy 6471, and this Regulation do not preclude the school district from paying the vendor directly with the proper use of a purchase order (for example, for registration, airline tickets, hotel).

F. Sanctions for Violations of Travel Requirements (N.J.A.C. 6A:23A-7.7)

1. A Board of Education that violates its established maximum travel expenditure, as set forth in N.J.A.C. 6A:23A-7.3, or that otherwise is not in compliance with N.J.A.C. 6A:23A-7 travel limitations, may be subject to sanctions by the Commissioner as authorized pursuant to N.J.S.A. 18A:4-23 and 24, including reduction of State aid in an amount equal to any excess expenditure pursuant to N.J.S.A. 18A:11-12 and 18A:7F-60.

2. The staff member designated as the final approval authority for travel who approves any travel request or reimbursement in violation of N.J.A.C.

6A:23A-7 and Policy and Regulation 6471 shall reimburse the school district in an amount equal to three times the cost associated with attending the event, pursuant to N.J.S.A. 18A:11-12.

3. An employee or Board member who violates the provisions of N.J.A.C. 6A:23A-7 and Policy and Regulation 6471 shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event, pursuant to N.J.S.A. 18A:11-12.

4. In accordance with N.J.A.C. 6A:23A-7.7(d), there must be procedures to monitor compliance and application of the penalty, as outlined in N.J.A.C. 6A:23A-7.7, upon determination a violation has occurred after Board of Education payment of the event.

   a. In addition to the annual audit test procedures to ensure compliance as required in N.J.A.C. 6A:23A-7.7(e) and F.5. below, the School Business Administrator/Board Secretary will designee a staff member to review travel payments that are being recommended to the Board for payment prior to Board approval and travel payments previously approved by the Board for payment and paid for any violations.

      (1) In the event the annual audit test procedures or the review by the staff member designated by the School Business Administrator/Board Secretary determines a travel payment recommended to the Board for payment or a travel payment previously approved by the Board and was paid in violation of N.J.A.C. 6A:23A-7 and Policy and Regulation 6471, the school district auditor or the staff member designated by the School Business Administrator/Board Secretary shall inform the Superintendent of Schools of the violation in writing.

      (2) The Superintendent shall determine if a violation of N.J.A.C. 6A:23A-7 requires a penalty in accordance with N.J.A.C. 6A:23A-7.7.

      (3) If a violation is determined prior to payment or reimbursement of the travel event, the Superintendent may exclude application of any additional penalties.

5. The annual audit conducted pursuant to N.J.S.A. 18A:23-1 shall include test procedures to ensure compliance with the Board of Education's policy and travel limitations set forth in this section and N.J.S.A. 18A:11-12.

G. Prohibitive Travel Reimbursements (N.J.A.C. 6A:23A-7.8)

1. The following types of expenditures are not eligible for reimbursement:

a. Subsistence reimbursement for one-day trips, except for meals expressly authorized by and in accordance with N.J.A.C. 6A:23A-7.12;

b. Subsistence reimbursement for overnight travel within the State, except where authorized by the Commissioner in accordance with N.J.A.C. 6A:23A-7.11;

c. Travel by Board members or employees whose duties are unrelated to the purpose of the travel event or who are not required to attend to meet continuing educations requirements or to comply with law or regulation;

d. Travel by spouses, civil union partners, domestic partners, immediate family members, and other relatives;

e. Costs for employee attendance for coordinating other attendees' accommodations at the travel event;

f. Lunch or refreshments for training sessions and retreats held within the school district, including in-service days and for employee participants traveling from other locations within the school district;

g. Training to maintain a certification that is not required as a condition of employment (For example: CPE credits to maintain a CPA license if the employee is not required to be a CPA for continued school district employment);

h. Charges for laundry, valet service, and entertainment;

i. Limousine services and chauffeuring costs to, or during, the event;

j. Car rentals, either utilized for airport transportation or transportation at a conference, convention, etc., unless absolutely necessary for the conduct of school district business. Justification shall accompany any request for car rentals. If approved, the most economical car rental is to be used, including the use of subcompacts and discounted and special rates. An example of the justified use of a car rental is when an employee is out of State, making inspections at various locations, and the use of public transportation is impracticable. When car rental is authorized, the employee shall not be issued an advance payment for the anticipated expense associated with the rental;

k. Alcoholic beverages;

l. Entertainment costs, including amusement, diversion, social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities);

m. Gratuities or tips in excess of those permitted by Federal per diem rates;

n. Reverse telephone charges or third party calls;

o. Hospitality rooms;

p. Souvenirs, memorabilia, promotional items, or gifts;

q. Air fare without documentation of quotes from at least three airlines and/or on-line services; and

r. Other travel expenditures that are unnecessary and/or excessive.

H. Travel Methods (N.J.A.C. 6A:23A-7.9)

1. For the purpose of section H. of this Regulation and N.J.A.C. 6A:23A-7.9, "transportation" means necessary official travel on railroads, airlines, shuttles, buses, taxicabs, rideshares, school district-owned or leased vehicles, and personal vehicles.

2. The purchase or payment of related transportation expenses shall be made by purchase order or personally by a school district employee or Board member

and reimbursed at the conclusion of the travel event. An actual invoice or receipt for each purchase or expense shall be submitted with a claim for reimbursement.

3. Pursuant to Office of Management and Budget (OMB) Travel Circulars and N.J.A.C. 6A:23A-7.1 et seq., the following travel methods requirements shall apply:

   a. Air and rail tickets shall be purchased via the Internet, if possible, using airline or online travel services such as Travelocity, Expedia, or Hotwire.

   b. Air travel shall be authorized only when determined that it is necessary and advantageous to conduct school district business.

      (1) The most economical air travel should be used, including the use of discounted and special rates.

      (2) The following options should be considered when booking tickets:

         (a) Connecting versus nonstop flights;

         (b) Departing earlier or later compared to the preferred departure time;

         (c) Utilizing alternative airports within a city, for example, Chicago, Illinois-Midway Airport versus O'Hare Airport;

         (d) Utilizing alternative cities, for example, Newark versus Philadelphia;

         (e) Utilizing "low cost" airlines; and

         (f) Exploring alternate arrival and/or departure days.

      (3) No employee or Board member can earn benefits as a result of school district funded travel. Employees and Board members shall be prohibited from receiving "frequent flyer" or other benefits accruing from school district funded travel.

(4) Airfare other than economy (that is, business or first class) shall not be fully reimbursed by the school district except when travel in such classes:

(a) Is less expensive than economy;

(b) Avoids circuitous routings or excessive flight duration; or

(c) Would result in overall transportation cost savings.

(5) All airfare other than economy and not covered by the above exceptions purchased by an employee or Board member shall be reimbursed only at the economy rate for the approved destination.

(6) Cost estimates on travel requests and associated authorizations shall be consistent with current airline tariffs, with consideration of available special fares or discounts, for the requested destination.

(7) Airline tickets shall not be booked until all necessary approvals have been obtained.

(8) Additional expenses over and above the authorized travel request shall be considered only for factors outside the purchaser's control. The burden of proof shall be placed upon the purchaser and any additional expenses incurred without sufficient justification and documentation, as determined by the School Business Administrator/Board Secretary, shall not be reimbursed.

(9) Justification shall accompany requests for airline ticket reimbursement when purchased by employees or Board members contrary to H.3.b.(1) through (8) above. Sufficient justification shall be considered only for factors outside the purchaser's control. Noncompliant purchases without sufficient justification shall not be reimbursed.

c. Rail travel shall be authorized only when determined that it is necessary and advantageous to conduct school district business.

(1) The most economical scheduling of rail travel shall be utilized, including excursion and government discounts, whenever applicable.

(2) The use of high-speed rail services, such as Acela, shall not be authorized.

(3) All rail travel shall be processed in the same manner as prescribed for air travel in H.3.b. above.

d. Use of a school district-owned or-leased vehicle shall be the first means of ground transportation. Use of a personally owned vehicle on a mileage basis shall not be permitted for official business where a school district-owned or -leased vehicle is available.

(1) Mileage allowance in lieu of actual expenses of transportation shall be approved by the Board and allowed at the rate authorized by the annual State Appropriations Act, or a lesser rate at the Board's discretion for an employee or Board member traveling by his or her personally owned vehicle on official business.

(a) If any condition in an existing negotiated contract is in conflict with the OMB Travel Circulars, such as the mileage reimbursement rates, the provisions of the existing contract shall prevail.

(2) Parking and toll charges shall be allowed in addition to mileage allowance.

(3) Reimbursement for travel to points outside the State by automobile shall be permitted when such arrangements prove to be more efficient and economical than other means of public transportation.

(4) In determining the relative costs of private and public transportation, all associated costs (that is, tolls, taxicabs, airport or station transfers, etc.) shall be considered.

(5) All employees and Board members using privately owned cars in the performance of their duties for the school district shall

present a New Jersey Insurance Identification Card indicating that insurance coverage is in full force and effect with companies approved by the State Department of Banking and Insurance. The card shall be made available to the Superintendent or designee before authorization to use privately owned cars.

(6) Employees and district Board members who are out-of-State residents shall provide appropriate insurance identification in lieu of the New Jersey Insurance Identification Card.

e. School district-owned or -leased vehicles shall be utilized in accordance with N.J.A.C. 6A:23A-6.12.

f. Necessary taxicab or rideshare charges shall be permitted. However, travel to and from airports, downtown areas, and between hotel and event site shall be confined to regularly scheduled shuttle service, whenever such service is complimentary or is less costly. If shuttle service is not available, taxicabs or rideshares may be used.

g. Cruises shall not be permitted for travel events or transportation.

I. Routing of Travel (N.J.A.C. 6A:23A-7.10)

1. Pursuant to State travel guidelines as established by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars:

a. All travel shall follow the most direct, economical, and usually traveled route. Travel by other routes as a result of official necessity shall be eligible for payment or reimbursement only if satisfactorily established in advance of such travel.

b. If a person travels by indirect route for personal convenience, the extra expense shall be borne by the individual.

c. Reimbursement for expenses shall be based only on charges that do not exceed what would have been incurred by using the most direct, economical, and usually traveled route.

J. Subsistence Allowance – Overnight Travel (N.J.A.C. 6A:23A-7.11)

1. Pursuant to the State travel guidelines as established by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars, one-day trips that do not involve overnight lodging shall not be eligible for subsistence reimbursement, except for meals expressly authorized by and in accordance with the provisions of N.J.A.C. 6A:23A-7.12.

2. Pursuant to the OMB Travel Circulars, generally, overnight travel shall not be eligible for subsistence reimbursement if travel is within the State. Overnight travel is permitted if it is authorized pursuant to 3. below, or is a required component by the entity issuing a grant, donation, or other funding agreement with the school district. The specific required

   overnight in-State travel event shall be detailed in the final grant, donation, or other fund acceptance agreement along with the number of authorized travelers and total cost. All reimbursements shall be subject to N.J.A.C. 6A:23A-7 unless the funding acceptance agreement specifies otherwise.

3. Pursuant to the State travel regulations as established by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars, the Commissioner shall be authorized to grant waivers for overnight travel for Board members and school district employees to attend in-State conferences.

   a. Such waivers will be granted in only extremely limited circumstances when the sponsoring organization can demonstrate the conference is broad and multi-disciplinary in scope, incorporates content offerings from numerous specialty areas, and includes important professional development opportunities and/or required training.

   b. The sponsoring organization shall demonstrate the conference's content, structure, scheduling, and anticipated attendance necessitate that it be held on multiple consecutive days with overnight lodging. When such waivers are granted, individual school districts or individuals shall not be required to submit waiver requests for attendance at these conferences.

   c. Sponsors of in-State conferences may submit to the Commissioner a request for a waiver of this prohibition by providing information regarding the conference as follows:

   (1) The name and dates of the event;

(2) Justification for the length of the conference and the necessity to hold events for each day beyond the first day of the conference;

(3) Identification of all other conferences sponsored or co-sponsored by the organization (whether single or multi-day) in the previous year;

(4) A description of the target audience by position title and/or educational certificate and endorsement;

(5) Justification of the importance of the target audience attending the event;

(6) The cost of registration;

(7) A detailed list and description of any activities to be charged to the participants by the sponsor separate from the registration fee, such as luncheons, workshops, entertainment, etc., including:

(a) The cost of the activity;

(b) Whether participation is mandatory or voluntary; and

(c) The purpose such as social, guest speaker, working session, etc.

(8) A copy of agenda or program for the event;

(9) A brief statement that includes the primary purpose of the event, the key issues that will be addressed at the event, and their relevance to improving instruction or the operation of a school or school district;

(10) For training events, whether the training is needed for a certification required for continued employment, continuing education requirements, or requirements of Federal or State law; and

(11) For annual events, total attendance, and registration cost for the previous year.

4. If a waiver of the prohibition on overnight travel is granted pursuant to N.J.A.C. 6A:23A-7.11, it shall permit reimbursement for travel expenses only for individuals whose home-to-convention commute exceeds fifty miles.

5. Overnight travel within the State shall not be eligible for subsistence reimbursement if travel is on the day prior to the start of the conference. Reimbursement shall be prohibited for lodging prior to check-in time for the first day of the event or after check-out time on the last day of the event.

6. The United States General Services Administration publishes a schedule of Federal per diem rates in the Federal Register for approved overnight travel by the event location. The latest Federal per diem rates schedule for lodging, meals, and incidental expenses by location can be found at www.gsa.gov. The following restrictions apply to allowable per diem reimbursements:

   a. Allowable per diem reimbursement for lodging, meals, and incidentals shall be actual reasonable costs, not to exceed the Federal per diem rates for the event location. Registration and conference fees are not subject to the Federal per diem rate caps. If the event location is not listed, the maximum per diem allowance shall be equal to the standard Continental United States (CONUS) per diem rates published by the General Services Administration for meals, incidental expenses, and lodging.

   b. Pursuant to N.J.S.A. 18A:11-12.o., reimbursement for lodging expenses for overnight travel, out-of-State or in-State as authorized by the Commissioner, may exceed the Federal per diem rates if the hotel is the site of the convention, conference, seminar, or meeting and the going rate of the hotel is in excess of Federal per diem rates.

      (1) If the hotel at the site of the current travel event is not available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate at the site of the current event.

      (3) If there is no hotel at the site of the current travel event (for example, Atlantic City Convention Center), then

reimbursement for lodging shall not exceed the Federal per diem rate.

c. If the meal is not part of a one-sum fee for a travel event, reimbursement may be approved for the full cost of an official

convention meal that the employee or Board member attends, when such meal is scheduled as an integral part of the convention or conference proceedings. Receipts shall be submitted to obtain reimbursement in such situations. The amount of the Federal per diem rate for the corresponding meal shall be deducted from that day's subsistence allowance.

d. The allowance for a meal(s) or incidentals shall not be eligible for reimbursement when included and paid in the registration fee, the cost of lodging, or transportation charge.

e. Receipts shall be required for all hotel and incidental expenses. Meal expenses under the Federal per diem allowance limits shall not require receipts pursuant to N.J.S.A. 18A:11-12.o.(3), unless required by the Board of Education.

f. If the total per diem reimbursement is greater than the Federal per diem rates, the costs shall be considered excessive in the absence of substantial justification accompanying the travel voucher submitted by the employee or district Board member. In such cases, receipts shall be submitted for all costs, including meals.

g. Employees and Board members shall patronize hotels and motels that offer special rates to government employees unless alternative lodging offers greater cost benefits or is more advantageous to the conduct of school district business.

h. Actual subsistence expenses shall not be reimbursable if paid by the traveler to a member of his or her family, to another school district employee, or to a family member of another school district employee.

K. Meal Allowance – Special Conditions – and Allowable Incidental Travel Expenditures (N.J.A.C. 6A:23A-7.12)

1. Meals for in-State travel shall not be eligible for reimbursement except as expressly authorized within N.J.A.C. 6A:23A-7.

2. A meal allowance may be provided to employees or Board members in relation to one-day, out-of-State trips required for school business purposes that do not require an overnight stay. The reimbursement for

   breakfast, lunch, and/or dinner shall not exceed the amounts authorized in State travel regulations as published by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars.

3. Lunch for off-site training sessions may be authorized for an amount up to $7 per person only when it is necessary that employees or Board members remain at a site other than their school district and there are no viable options for lunch at the off-site location.

   a. Per N.J.S.A. 18A:11-12.a.(1)(d), employee and Board member retreats shall be held onsite unless there is no school district site available.

   b. If lunch is included in a lump-sum registration fee for an off-site training session, the full amount is eligible for reimbursement, if reasonable. Providing lunch for on-site staff meetings and in-service days or for employees who come from other parts of the school district shall not be permitted. (See K.4. below.)

   c. Refreshments for breaks may also be provided at training sessions held at a site other than the school district.

4. Subsistence expenses for an employee or Board member shall not be allowed within the school district or within a radius of ten miles thereof, except for meals expressly authorized by and in accordance with N.J.A.C. 6A:23A-7.12. Non-allowed expenses include, but are not limited to, meals and refreshments for on-site staff meetings and in-service days.

5. Reimbursement may be approved for the cost of an official luncheon or dinner, up to $10 and $15, respectively, that an employee or Board member is authorized to attend, if the meal is scheduled as an integral part of an official proceeding or program related to school district business and the employee's or Board member's responsibilities.

   a. School district business above refers to the management operations of the school district and does not refer to activities that benefit students and are part of the instructional program. Pursuant to N.J.A.C. 6A:23A-5.8(b)4, all reasonable expenditures related to school district

employees that are essential to the conduct of a student activity are permitted.

6. Regular meetings, special meetings, and work sessions of the Board of Education shall be limited to light meals and refreshments for all Board members.

   a. The meals may be served to employees who are required to attend the event and if it is impractical for the employee to commute to and from his or her residence between the end of the work day and the beginning of the event, or if the employee is required to remain at the school district to prepare for the event.

   b. The school district shall acquire the light meals and refreshments by the solicitation of quotes, if required pursuant to N.J.S.A. 18A:18A-1 et seq.

   c. If the school district's food service program can prepare comparable meals at a lower cost, the food service program shall be used.

   d. The average cost per meal shall not exceed $10.

   e. The school district shall purchase or prepare food that is sufficient to provide each district Board member, dignitary, non-employee speaker, or allowable staff member one meal. Meals should be carefully ordered to avoid excess. Unintended left over food should be donated to a charitable shelter or similar facility, if at all possible.

7. Reimbursement may be approved for allowable telephone and incidental travel expenses that are essential to transacting official business.

   a. Charges for telephone calls on official business may be allowed. The voucher shall show the dates on which such calls were made, the points between which each call was made, and the cost per call.

   c. Employees and Board members using their personally owned telephone for business may request reimbursement, less Federal

   d. Communications Tax. Calls for business are tax exempt and the telephone company will make allowances for the tax if the employee or Board member certifies to the telephone company when paying bills for personally owned phones that said calls were business calls.

c. Incidental expenses, defined as "non-meal tips" by the State travel regulations, when necessarily incurred by the traveler in connection with the transaction of official business, may be submitted for reimbursement only when the necessity and nature of the expense are clearly and fully explained on the travel voucher and the voucher is approved. Travel vouchers shall be supported by receipts showing the quantity and unit price.

L. Records and Supporting Documents (N.J.A.C. 6A:23A-7.13)

1. All persons authorized to travel on business shall keep a memorandum of expenditures chargeable to the school district, noting each item at the time and date the expense is incurred.

2. The travel voucher shall be completed by the employee or Board member to document the details of the travel event. The travel voucher shall be signed by the employee or Board member to certify the validity of the charges for which reimbursement is sought. The form also shall bear the signatures of approval officials for processing.

3. Sufficient documentation shall be maintained centrally by the school district to support payment and approval of the travel voucher.

4. In addition to the documentation required for reimbursement, each person authorized to travel shall submit a brief report that includes the primary purpose for the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school district. This report shall be submitted prior to receiving reimbursement.

5. Documentation for requests for travel reimbursement shall show:

a. The date(s) and individual points of travel, number of miles traveled between such points, and kind of conveyance used; If the distance traveled between individual points is greater than the usual route between the points, the reason for the greater distance shall be stated;

c. The hours of the normal work day and actual hours worked shall be shown when requesting meal reimbursement for non-overnight travel;

d. Original receipts shall be required for all reimbursable expenses, except for meals that qualify for per diem allowances and for parking meters;

e. Actual vendor receipts for personal credit card charges shall be attached to reimbursement requests. Credit card statements shall not be accepted as documentation of expenses;

f. Personal charges on a hotel bill shall be deducted and shown on the bill;

g. When lodging is shared jointly, the fact shall be stated on the travel voucher;

h. Where travel is not by the most economical, usually traveled route, the employee or Board member reimbursement request shall set forth the details of the route, the expenses actually incurred, the hour of departure, the hour of arrival, and an explanation for the use of costlier travel arrangements;

i. When travel is authorized for the employee's or Board member's own automobile on a mileage basis, the points between which travel was made, and the distance traveled between each place shall be shown. A statement as to ownership of the auto or other conveyance used, as well as a certification that liability insurance is in effect, shall be documented;

j. Reimbursement requests shall be supported by other receipts as required;

k. The voucher shall be itemized; and

l. Reimbursement requests shall be rendered monthly when in excess of $25. Travel for a single travel event shall be reported as soon as possible after the trip.

6. All outstanding travel vouchers for the school year ending June 30 shall be submitted as soon as possible after June 30 regardless of amount, notwithstanding 5.l. above.



7. Travel mileage reimbursement requests of the just-completed school year that are not submitted by July 30 or the date approved by the school district for the closing of books, whichever is earlier, for the just-completed school year shall not be approved or paid.

M. Out-of-State and High-Cost Travel Events (N.J.A.C. 6A:23A-5.9)

1. Reimbursement for all in-State and out-of-State travel shall be made pursuant to N.J.S.A. 18A:11-12.

2. Out-of-State travel events shall be limited to the fewest number of Board members or affected employees needed to acquire and present the content offered to all Board members or staff, as applicable, at the conclusion of the event. Lodging may be provided only if the event occurs on two or more consecutive days and if home-to-event commute exceeds fifty miles.

3. When a travel event has a total cost that exceeds $5,000, regardless of the number of attendees, or when more than five individuals from the school district are to attend a travel event out-of-State, the school district shall obtain prior written approval of the Executive County Superintendent.

   a. The Executive County Superintendent shall promptly review the request and render a written decision within ten business days.

4. For all employee and Board member travel events out of the country, regardless of cost or number of attendees, the school district shall obtain prior written approval of the Executive County Superintendent.

   a. Such requests shall be supported by detailed justification.

   b. The Executive County Superintendent shall promptly review the request and render a written decision within ten business days.

   c. It is expected that approvals will be rare.

Adopted: 6 October 2021

R 6620 PETTY CASH

The petty cash fund established by Policy No. 6620 shall be administered in accordance with the following rules:

A. Authority

1. The School Business Administrator/Board Secretary shall assume direct control of the fund or assign direct control to a responsible school employee under his/her direct supervision. (Hereinafter, "custodian" includes the custodian's designee.)

2. Each deposit and expenditure shall be promptly and accurately recorded.

B. Withdrawal

1. Each person who seeks petty cash funds shall prepare and sign a written request stating the amount requested and the purpose of the funds. The requestor will supply receipts or invoices as appropriate to support the request, and all such documents will be attached to the request.

2. The custodian will prepare a disbursement slip for each expenditure that records the date, amount of the expenditure, purpose of the expenditure briefly stated, and the name of the requestor.

3. The person who receives the funds will acknowledge receipt by signing the disbursement slip. The disbursement slip will be attached to the request for expenditure.

4. No cash shall be released from the petty cash box to any person as a loan or in change for a personal check, but change may be made from the petty cash box on a direct exchange of funds in equal amounts.

5. No single petty cash expenditure may exceed the amount established by Policy No. 6620. No request for funds or supporting receipts will be divided so as to circumvent this rule.

6. At the end of each school day, the custodian will lock the petty cash box and place it in a secure and locked place, preferably fireproof and stationary.

7. The custodian will retain and file each request for funds, with the disbursement slip and supporting documents attached.

C. Reimbursement

1. When the fund is required to be replenished the Board Secretary shall complete a full report on the amounts disbursed from the fund during that period.

2. The Board Secretary will prepare a voucher for Board approval in an amount equal to that which was disbursed. All requests for disbursement, supporting documentation, and disbursement slips will be submitted with the request for replenishment.

3. At the end of each school year, the custodian of the fund will close out and deposit the remaining petty cash, and post the appropriate journal entries to the general ledger. The custodian will also complete a final report of the fund for audit.

Issued: 19 October 2011

R 6740 RESERVE ACCOUNTS

A. Capital Reserve Account

1. The Board of Education may, at any time establish by Board resolution a capital reserve account, pursuant to N.J.S.A. 18A:21-2 and 3, and 18A:7G-31.

2. Funds in the capital reserve account shall not be used for current expenses, pursuant to N.J.S.A. 18A:22-8.2, and shall only be used:

   a. To implement capital projects in the school district's Long-Range Facilities Plan (LRFP) as required pursuant to N.J.S.A.18A:7G-4(a) and N.J.A.C. 6A:26-2; and

   b. To augment a capital project funded in whole or part by bond proceeds only when:

      (1) The original referendum question separately listed the amount and portion of local share (or portion of total costs of a project receiving debt service aid) to be funded by capital reserve pursuant to N.J.A.C. 6A:26-3.7 and 3.12; or

      (2) Voter or Board of School Estimate approval, as appropriate, was received to augment the original approved question by special appropriation in a Type I school district, by separate question at a special election or through the appropriate line-items and supporting documentation in the base budget at the annual school election pursuant to N.J.A.C. 6A:26-4.4(a)3iii.

3. The Board of Education may increase the balance in the capital reserve account by:

   a. Appropriating funds in the annual general fund budget certified for taxes to meet the needs of the LRFP that are not met by State support; or

   b. Requesting approval from the Executive County Superintendent, as the Commissioner's designee, to appropriate any excess unreserved general fund balance as calculated in the supporting documentation of the proposed budget into capital reserve in the proposed budget pursuant to N.J.S.A. 18A:7F-7b only when the Board of Education has:

(1) Formally established a capital reserve account; and

(2) Obtained an approved LRFP in accordance with N.J.A.C. 6A:26-2.

4. The Board of Education, at its option, may satisfy the withdrawal approval requirements set forth in 8. below when funds are deposited into the capital reserve account in the annual budget pursuant to 3.a. and 3.b. above using the designated line item, supporting documentation, and a statement of purpose in the advertised budget. The Board of Education shall include in its statement of purpose:

a. The amount of the deposit;

b. A description of the future capital project and purpose; and

c. A statement that "The amount represents expenditures for construction elements or projects that exceed the facilities efficiency standards determined by the Commissioner as necessary to achieve the Core Curriculum Content Standards."

5. The Board of Education may request express approval of the voters for appropriation of additional amounts into the capital reserve by a separate proposal at budget time, or by a special question at one of the four special elections authorized pursuant to N.J.S.A. 19:60-2. The Board of Education may request approval of a Board of School Estimate, if applicable, for appropriation of additional amounts into capital reserve by a separate proposal at budget time or by special resolution. The amount expressly approved by the voters or Board of School Estimate, as applicable, for deposit into a capital reserve may be from surplus or unrestricted local miscellaneous revenue only if such source is delineated in the question and/or special resolution.

6. The Board shall not deposit into a capital reserve account audited excess undesignated, unreserved general fund balance. The Board of Education shall reserve and designate such funds in the subsequent year's budget pursuant to N.J.A.C. 6A:23A-8.5(b).

7. The Board of Education shall maintain an amount of funds in the capital reserve account that does not exceed the amount needed to implement the capital projects in a school district's LRFP that are not met by State support.

a. If the amount in capital reserve exceeds the amount authorized in 7. above, the Board of Education shall withdraw the excess and reserve and designate it in the subsequent year's budget.

b. The Board of Education shall ensure that all excess amounts in the capital reserve account identified in the annual audit, required pursuant to N.J.S.A. 18A:23-1 and procedures developed by the Commissioner, are reserved and designated in the subsequent year's budget.

8. The Board of Education may withdraw funds from the capital reserve account at any time as follows:

a. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund pre-development or other pre-application costs associated with architects, lawyers, and construction managers for school facilities projects included in the approved LRFP;

(1) Pursuant to N.J.A.C. 6A:26-4.2(a), a Board that used capital reserve for such costs in a capital project funded in part or in whole by bond proceeds has the option to reimburse the general fund from the capital projects fund after approval of the referendum or resolution;

b. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund the local share less any excess costs of a school facilities project as determined in accordance with N.J.A.C. 6A:26-3;

c. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund the total costs, less any excess costs, of another capital project, which would otherwise be eligible for State support, as determined in accordance with N.J.A.C. 6A:26-3;

d. By Board resolution for the transfer of funds to the capital projects fund pursuant to N.J.A.C. 6A:26-4, after receiving voter, Board of School Estimate, or Capital Project Review Board approval, as applicable, of the capital reserve use and specific amount in an approved referendum or resolutions pursuant to N.J.A.C. 6A:26-3.7;

e. By Board resolution after receiving voter approval, as applicable, except as authorized in N.J.A.C. 6A:26- 3.12(c), for the transfer of funds to the line items in the capital outlay major account/fund to fund excess costs of a school facilities project and to fund the total costs for other capital projects that would not otherwise be eligible for State support as determined in accordance with N.J.A.C. 6A:26, Educational Facilities:

(1) Voter approval may be obtained through the original budget certified for taxes, in which the Board shall include a statement of purpose in the advertised budget, or through a Board of School Estimate's special appropriation process, if appropriate.

(2) The Board of Education shall include in the statement of purpose or special question for the capital project:

(a) The total costs;

(b) The final eligible costs;

(c) The amount requested for withdrawal for excess costs;

(d) A description/purpose of the capital project, or portion thereof, which the excess costs will fund; and

(e) A statement that "The amount represents expenditures for construction elements or projects that exceed the facilities efficiency standards determined by the Commissioner as necessary to achieve the Core Curriculum Content Standards."

(3) If requesting a withdrawal for multiple capital projects, the Board of Education shall include in the statement of purpose or special question the required information identified in 8.e.(1) and (2) above separately for each individual capital project.

(4) The Board of Education shall ensure that the amount(s) approved by the voters are used exclusively for the purpose or purposes contained in the associated statement or question.

(5) For any approved amounts that remain unexpended or unencumbered at the end of the school year, the Board of Education shall:

(a) Return such funds to the capital reserve account;

(b) Anticipate such funds as part of the designated general fund balance of the subsequent school year budget; or

(c) Reserve and designate such funds in the second subsequent school year budget;

f. By Board resolution and after receiving Commissioner approval in accordance with N.J.A.C. 6A:26-3.13, and voter, Board of School Estimate, or Capital Project Review Board approval, as appropriate, pursuant to 3.b. above and N.J.A.C. 6A:23A-14.1, for the transfer of funds to the line items in the capital outlay major account/fund for the purchase of land; or

g. By Board resolution for the transfer of funds to the debt service account for the purpose of offsetting locally funded principal and interest payments for bonded projects that are included in the school district's LRFP.

9. Notwithstanding 8. above, the Board of Education may at any time, apply to the Commissioner for approval to withdraw funds from its capital reserve account for uses authorized in 2. above. The Board of Education or Board of School Estimate, as appropriate, may make a withdrawal pursuant to N.J.A.C. 6A:23A-14.1 only upon receipt of written approval of the Commissioner. To obtain the Commissioner's approval, the Board of Education shall establish to the satisfaction of the Commissioner that an emergent condition exists necessitating an immediate withdrawal of capital reserve account funds.

10. The Board of Education shall administer and account for the capital reserve account as follows:

a. The Board shall establish and maintain the capital reserve account in accordance with Generally Accepted Accounting Principles (GAAP), and shall be subject to annual audit pursuant to N.J.S.A. 18A:23-1 et seq.;

b. If the cost to complete an approved school facilities project not funded in whole or part by school bonds exceeds the local share less excess costs, those costs up to ten percent above the local share less excess costs may be withdrawn from capital reserve funds in accordance with 8.a. above;

c. The Board shall transfer to the capital projects account, and account for separately with the corresponding grant, any funds withdrawn for the local share of a school facilities project that is not using school bonds or loan bonds for all or part of the local share that received a grant pursuant to N.J.S.A. 18A:7G-15. For any unexpended transferred capital reserve funds remaining after completion of such school facilities projects, the Board shall:

(1) Return such funds to the capital reserve account;

(2) Anticipate such funds as part of the designated general fund balance of the subsequent school year's budget; or

(3) Reserve and designate any unexpended transferred capital reserve funds in the second subsequent year's budget for tax relief.

d. Pursuant to N.J.S.A. 18A:21-3, the Board of Education shall increase the capital reserve account by the earnings attributable to the investment of the account's assets, and;

(1) Anticipate as miscellaneous income any investment income included in the original annual general fund budget certified for taxes; and

(2) Include any investment earnings in the maximum amount of capital reserve permitted in 7. above.

e. The Board of Education shall establish a separate account in the general fund for bookkeeping purposes only in order to account for increases to and withdrawals from the capital reserve account and its balance. The Board of Education shall record a capital reserve account on the annual audit's general fund balance sheet as follows:

(1) Debit: Capital Reserve Account; and

(2) Credit: Reserved Fund Balance--Capital Reserve Account.

11. Funds in capital reserve accounts in existence prior to July 18, 2000 are subject to the Educational Facilities Construction and Financing Act (EFCFA), P.L. 2000, c. 72, and N.J.A.C. 6A:23A-14, and the Board of Education shall only use such funds for the original purpose for which the funds were deposited.

a. If the original purpose is outside the scope of the Board's approved LRFP, the Board of Education shall account for such funds separately in the capital reserve fund and appropriate the funds as revenue for such purposes in the annual budget certified for taxes. The Board of Education shall restore to the capital reserve account for use pursuant to N.J.A.C. 6A:23A-14 any unexpended capital outlay appropriations up to the amount of such capital reserve funds appropriated. Expenditures shall be charged first to unrestricted capital outlay fund sources with capital reserve account appropriations expended last. The Board of Education shall not deposit any additional funds into the capital reserve account pursuant to 3. through 6. above for such pre-July 18, 2000 purposes.

b. If the original purpose is within the scope of the school district's approved LRFP, the Board of Education shall make withdrawals pursuant to 8. above, except that if voter, Board of School Estimate or Capital Project Review Board, as appropriate, approval of excess costs or another capital project was obtained when the funds were deposited into the capital reserve account, the Board, by such approval, shall be deemed to have satisfied the requirement for approval of excess costs or other capital projects in 8.b. above.

B. Maintenance Reserve Account

1. The Board of Education may establish, by resolution, a maintenance reserve account to be used to implement required maintenance of the school district's facilities. The Board of Education is prohibited from using such funds for routine or capital maintenance.

2. The Board of Education shall establish and maintain the maintenance reserve account in accordance with GAAP, and such account shall be subject to annual audit pursuant to N.J.S.A. 18A:23-1 et seq.

3. The Board of Education may increase the balance in the maintenance reserve account by appropriating funds in the annual general fund budget certified for taxes.

4. The Board of Education may by resolution withdraw such funds from the maintenance reserve account and appropriate into the required maintenance account lines at budget time or any time during the year for use on required maintenance activities for a school facility as reported in the comprehensive maintenance plan pursuant to N.J.A.C. 6A:26A-4.

a. Funds withdrawn from the maintenance reserve account are restricted to required maintenance appropriations. The Board of Education shall not transfer such funds to any other line-item account.

5. In any year that maintenance reserve account funds are withdrawn, the Board of Education shall restore any unexpended required maintenance appropriations, up to the amount of maintenance reserve account funds withdrawn, to the maintenance reserve account at year-end.

6. The Board of Education shall, by resolution, transfer to the general fund on an annual basis any interest earned on the investments in the maintenance reserve account. Such interest may be transferred on a more frequent basis at the discretion of the Board of Education.

7. The Board of Education shall ensure that the maintenance reserve account balance does not, at any time, exceed four percent of the replacement cost of the school district's school facilities for the current year. If the account exceeds this maximum amount at June 30, the Board of Education shall reserve and designate such excess in the subsequent year's budget.

C. Supplementation of Capital Reserve and Maintenance Reserve Accounts

1. The Board of Education may supplement a capital reserve account through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end for withdrawal in subsequent school years. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.

2. The Board of Education may supplement a maintenance reserve account through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end, for withdrawal in subsequent school years. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.

D. Establishment of Other Reserve Accounts

1. The Board of Education may through the adoption of a Board resolution establish the following reserve accounts:

a. Current Expense Emergency Reserve Account.

(1) The funds in the reserve shall be used to finance unanticipated general fund current expense costs required for T&E. For the purpose of the

emergency reserve account "unanticipated" shall mean reasonably unforeseeable and shall not include additional costs caused by poor planning or error.

(2) The account shall not exceed $250,000 or one percent of the school district's general fund budget as certified for taxes up to a maximum of $1,000,000, whichever is greater.

(3) The Board of Education may appropriate funds to establish or supplement the reserve in the school district's annual budget or through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.

(4) Withdrawals from the reserve shall require the approval of the Commissioner unless the withdrawal is necessary to meet an increase in total health care costs in excess of four percent, for which the district did not receive an automatic adjustment for health care costs pursuant to N.J.A.C. 6A:23A-11.4. Total health care costs include medical insurance and prescription drug insurance costs.

b. Debt service reserve account in the debt service fund for proceeds from the sale of school district property. For the purposes of the debt service reserve account "property" shall mean land, buildings, and other property that was incidental to the sale of land or a building. The funds in the reserve shall be used by the district first to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The funds may be used for any outstanding debt obligation or debt obligations of the school district. The reserve shall be liquidated within the lesser of five years from its inception or the remaining term on the obligations. Any remaining balance shall be used for tax relief.

c. Tuition adjustment reserve account in the general fund for up to ten percent of the estimated tuition cost in the contract year for an anticipated tuition adjustment in the third year following the contract year. In such case, the Board of Education shall:

(1) Establish the tuition adjustment reserve account at June 30 by Board resolution;

(2) Make full appropriation of the reserve for the tuition adjustment in the third year following the contract year;

(3) Exclude from the cap calculation the budgeted fund balance and appropriation of the tuition adjustment reserve in the third year following the contract year for such tuition adjustments; and

(4) Transfer to the general fund, by Board resolution, any interest earned on the investments in a tuition adjustment reserve account on an annual basis. Such transfer may be made on a more frequent basis at the discretion of the Board of Education.

E. Reserve Accounts Recorded in Accordance with GAAP

1. All reserve accounts shall be recorded in accordance with GAAP and subject to annual audit. Any capital gains or interest earned shall become part of the reserve account. A separate bank account is not required; however, a separate identity for each reserve account shall be maintained.

Adopted: 19 October 2011

R 6810 FINANCIAL OBJECTIVES

The Board of Education recognizes its responsibility to the taxpayers of the district to be sure that public moneys expended by the school district are utilized for the furtherance of pupil education in a manner that will ensure full value to the taxpayers, and that adequate constraints and records are established to ensure that end.

The Board by law holds the authority to fix the budget, approve bids and pass upon each expenditure of the district.

To meet the goals of this policy, the Board requires the School Business Administrator/Board Secretary to:

1. Establish sound accounting procedures.

2. Institute effective business practices.

3. Recommend suitable office technology and equipment where necessary.

4. Review the financial operations annually and report to the Board on effectiveness and recommended improvements.

N.J.S.A. 18A:18A-1 et seq.; 19-1 et seq.; 22-1 et seq.

Issued: 19 October 2011

R 7000 PROPERTY

Number	Title
R 7100	Long-Range Facilities Planning (M)
R 7101	Educational Adequacy of Capital Projects
R 7230	Gifts, Grants, and Donations
R 7300.1	Disposition of Instructional Property
R 7300.2	Disposition of Real Property
R 7300.3	Disposition of Personal Property
R 7300.4	Disposition of Federal Property
R 7410	Maintenance and Repair (M)
R 7420	Handling and Disposal of Body Wastes and Fluids (M)
R 7420.1	Bloodborne Pathogen Exposure Control Plan (M)
R 7420.2	Chemical Hygiene (M)
R 7421	Indoor Air Quality Standards
R 7422	School Integrated Pest Management Plan (M)
R 7430	School Safety (M)
R 7432	Eye Protection (M)
R 7440	School Security
R 7441	Electronic Surveillance In The School Building and On School Grounds
R 7510	Use of School Facilities
R 7610	Vandalism

R 7100 LONG-RANGE FACILITIES PLANNING

In order to plan for facilities needs and meet the requirements set forth in N.J.A.C. 6A:26-2.1 et seq., the Superintendent shall cause the completion of the Long-Range Facilities Plan (LRFP). The LRFP will include the requirements as set forth in N.J.A.C. 6A:26-2.2 et seq. Except as provided in N.J.A.C. 6A:26-3.16, no school facilities project will be considered or approved unless the district's LRFP has been submitted to and approved by the Commissioner of Education.

The district may submit an amendment to an approved LRFP for review and approval by the Commissioner of Education at any time whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP then in effect.

Issued: 19 October 2011



R 7101 EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

Capital projects that affect any of the following criteria for educational adequacy must be reviewed and approved by the Division of Facilities and Transportation. The criteria are the number, configuration, size, location or use of educational spaces within a school facility. The review for educational adequacy will take into consideration the suitability of the number, configuration, size, location, and use of educational spaces; built-in furniture and equipment; and provisions for the disabled.

A. Projects Requiring Approval for Educational Adequacy - N.J.A.C. 6A:26-5.1

1. Capital projects that involve the following types of building construction work require approval for educational adequacy:

   a. New school facilities including pre-fabricated facilities;

   b. Additions to existing school facilities;

   c. Alterations to the total number, dimension in volume and/or area, configuration or location of educational spaces or the number of any one kind of educational space;

   d. Change of use that requires alterations per A.1.c. above, or that requires mechanical or electrical changes pursuant to N.J.A.C. 5:23 or these regulations;

   e. Installation of temporary facilities; and

   f. Any site or school facility change or alteration for the purpose of making the site and school barrier free and accessible to disabled persons pursuant to N.J.A.C. 5:23 and ß504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. ß794 and the Americans with Disabilities Act, 42 U.S.C. ß12101 et seq.

B. New Jersey Economic Development Authority and Non-Authority Capital Projects

1. New Jersey Economic Development Authority and non-authority school facilities projects, along with other capital projects, are subject to educational adequacy reviews as follows:

a. Authority School Facilities Projects - The district will apply for the review and approval for educational adequacy in conjunction with the application for approval of a school facilities project pursuant to N.J.A.C. 6A:26-3.1 et seq., and prior to the review and approval of capital projects for compliance with the Uniform Construction Code, N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational adequacy review will cover three and in certain circumstances, see N.J.A.C. 6A:26-5.4, four types of project documents: educational specifications, schematic plans and related documents, detailed plans and specifications, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the district at the time of project application; the detailed plans and specifications, and final plans and specifications are forwarded by the authority to the Division after project approval, but prior to UCC approval.

b. Non-authority School Facilities Projects - The district will apply for the review and approval for education adequacy as in subparagraph B.1.a. above. The educational adequacy review will cover three types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. Educational specifications and schematic plans and related documents will be submitted to the Division by the district at the time of the project application. Final plans and specifications will be submitted to the Division by the district after project approval, but prior to UCC approval and local share or total costs of the school facilities project for a debt service aid authorization.

c. Other Capital Projects - The district will apply for the review and approval for educational adequacy prior to the division review for consistency of the other capital project with the district's approved LRFP. The educational adequacy review will cover educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the district at the time the project is reviewed for consistency with the district's approved LRFP. Final plans and specifications will be submitted to the Division by the district after the consistency review, but prior to UCC approval and local funding authorization.

C. Change of Use of Instructional Space

1. The district will submit any plan for change of use of instructional space to the County Superintendent of Schools for approval.

D. Educational Specifications (N.J.A.C. 6A:26-5.2)

1. Submissions of educational specifications for educational adequacy reviews will include the following:

a. Educational specifications will be prepared in writing describing in detail the educational program activities and requirements for each space proposed in the capital project, and will refer to the Core Curriculum Content Standards wherever appropriate;

b. An itemized list of furniture, equipment, and support spaces required to conduct the educational program specified for each space will be included, together with their estimated areas in square feet, as well as an estimate of the total room area required for each space;

c. Specific technical and environmental criteria, adjacencies and other requirements for the educational program will be noted; and

d. Educational specifications must contain a building space program that indicates the number and area in square feet of each instructional, specialized instructional, administrative and support space in each existing or proposed building included in the capital project.

E. Schematic Plans and Other Related Project Documents (N.J.A.C. 6A:26-5.3)

1. Submissions of schematic plans for educational adequacy reviews will include the following:

a. Three sets of schematic plans showing the entire existing and proposed building drawn to a scale of not less than 1/16 inch per foot will be submitted. The approved use of each space, and the proposed number of occupants, will be clearly labeled;

b. Schematic plans will be reviewed for conformance with the educational specifications and will include layouts of the built-in and moveable furniture and equipment for examples of all occupied spaces drawn to a scale of not less than 1/8 inch per foot;

c. Information required to demonstrate compliance with the Facility Planning Standards of N.J.A.C. 6A:26-6.1 et seq. will be indicated on the schematic plans, including dimensions, clearances, ceiling heights, and required equipment;

d. Paths of travel for disabled persons will be clearly indicated;

e. Whenever site work is required, a completed plot plan will be submitted and on it will be shown the intended location of the school and a layout of the locations of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set back zones, and parking areas; and

f. Schematic plans will be signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board and Superintendent.

2. Other project documents to be submitted with the schematic plans will include:

a. A project cost estimate on a form provided by the Commissioner of Education;

b. A project schedule;

c. A copy of the dated transmittal letter indicating project document submission to the County Superintendent;

d. A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever the building footprint, volume, pedestrian or vehicular access are altered by the project; and

e. The Director of the Office of Bilingual Education and Equity Issues must receive a completed OEEO questionnaire, in accordance with Title 6 of the Civil Rights Act of 1964 (42 U.S.C. ß 2000a et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. ß 794) and Title 2 of the Americans with Disabilities Act of 1990 (42 U.S.C. ß 12101 et seq.), from the district and must make a positive recommendation in writing to the Division before schematic plans can be approved for any project that affects the capacity of the building or their sending areas in the district.

F. Detailed Plans and Specifications and Final Plans and Specifications (N.J.A.C. 6A:26-5.4)

1. In the case of an authority school facilities project, upon completion of detailed plans and specifications, the authority on behalf of the district will apply for final approval of the educational adequacy of the project. Detailed plans and specifications will be considered adequate for calculations of final eligible costs if the plans and specifications are sixty percent or more complete. Such application will include:

   a. Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board and Superintendent, and specifications, to sufficiently demonstrate that the school facilities project conforms to schematic plans approved by the Division;

   b. The fee calculated according to the fee schedule unless exempted pursuant to N.J.A.C. 6A:26-5.5; and

   c. In the event there is a change affecting the number, configuration, size, location or use of educational spaces as set forth in the detailed plans and specifications submitted to the Department, the authority will submit such application to the Division with two sets of final plans and specifications, as set forth in subparagraph 2.a. below and no additional fee will be imposed.

2. In the case of a non-authority school facilities project or another capital project, upon the completion of final plans and specifications, the district will apply for final approval of the educational adequacy of the project. Such application will include:

   a. Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the local Board and Superintendent, and specifications, to sufficiently demonstrate that the capital project conforms to schematic plans approved by the Division;

b. A properly executed copy of a "Release Form for School Construction Plans" for a district which chooses to have a municipal code enforcing agency review of its plans for conformance with the UCC. The district's Superintendent and municipal code enforcing agency chief must sign this form. This form may be obtained from the Division;

c. Copies of letters of approval from all other State agencies having jurisdiction over the project; and

d. A check, payable to the "Treasurer, State of New Jersey," for the fee calculated according to the fee schedule unless exempted pursuant to N.J.A.C. 6A:26-5.5.

G. Fee schedule and exemption

The Division of Facilities and Transportation will collect fees for its reviews according to N.J.A.C. 6A:26-5.5.

Issued: 19 October 2011



R 7230 GIFTS, GRANTS, AND DONATIONS

A. Definitions

1. "Gift" means a donation of any property, real or personal, including cash, to the school district, to any individual school or class, or to any school program.

2. "Donor" means any individual or organization that offers a gift.

B. Gift Proposals

1. A gift proposal may be made to the Superintendent. When a gift is proposed to any staff member, the donor shall be referred to the Superintendent.

2. A donor who proposes a gift of funds up to $500 in amount will be invited by the Superintendent to discuss the dedication of the funds to a purchase that will enrich the school program. The donor will be encouraged to fund purchases not likely to be made with public funds.

3. Any proposed donation of funds $500 or more will be referred to the Superintendent, who will invite the donor to confer with him/her on the dedication of the funds.

C. Acceptance of Gifts

1. The Superintendent may accept gifts of funds up to $500 in amount and gifts of property valued at up to $500. All gifts accepted by the Superintendent will be reported to the Board.

2. All gifts of value greater than $500 can be accepted only by resolution of the Board duly convened.

3. The staff members who would be professionally involved in the use of the gift will be consulted on its suitability in the educational program.

4. A gift of property may be submitted for professional assessment and evaluation before it is accepted, in order to determine the Board's potential liability for installation, maintenance, and/or repair.

5. The district purchasing officer will be consulted as to whether a proposed gift meets necessary district specifications. A gift that does not meet district health and safety standards will not be accepted.

6. A gift of money, whether or not it is dedicated to a specific purpose, will be accepted into the general account of the district. Any purchases made with the gift are subject to applicable state law and Board policy on advertising for bids and purchasing generally.

7. The donor of any accepted gift of property or cash will be notified in writing of the acceptance of the gift, the value of the gift in dollar amount, and the value of the gift to the educational program of the district.

8. A gift intended as a memorial will be fittingly recognized by means (such as a plaque or ceremony) approved by the donor and the Board.

9. Capital property accepted as a gift shall be insured for its replacement value.

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R 7300.1 DISPOSITION OF INSTRUCTIONAL PROPERTY

A. Definition

"Instructional property" means textbooks as defined in Policy No. 2510 and resource materials as defined in Policy No. 2530, excluding textbooks and resource materials purchased with federal funds.

B. Review

1. The School Business Administrator/Board Secretary may appoint committees comprised of teachers, administrators, and librarians, as appropriate to the grade level and subject matter to assess periodically the continuing usefulness of instructional property in the school or program.

2. The committees will recommend for removal or replacement instructional property that:

   a. Is so worn and/or damaged as to preclude effective use and economical repair or restoration,

   b. Is so outdated as to no longer serve as worthy instructional tools,

   c. Violates federal, state, or district affirmative action standards for nondiscriminatory materials, pursuant to Policy No. 2260, or

   d. Although still useful, has been superseded by superior replacement materials.

3. The School Business Administrator/Board Secretary will receive and review the committee's recommendations. A list of textbooks and materials approved for disposal will be sent to the Superintendent.

4. Approval by the Board of Education is required for disposing of instructional property. Any such recommendation must comply with Policy Nos. 2530 and 9130, which require that the reason for disposal accompany the recommendation. No material may be removed and disposed of solely because it presents ideas that may be unpopular or offensive to some.

C. Disposal

1. Instructional property approved for disposal will be offered at no cost to any educational institution, public or private, willing to accept the property and pay the costs of packing and delivery.

2. Any remaining instructional property can be offered for sale to pupils, parent(s) or legal guardian(s), and community residents. Prices will reflect the reduced value of the property to the district by covering only the cost to the district of conducting the sale.

3. Any property remaining after offer of sale has been made can be donated to the parent-teacher organization or other community organization for sale in a book fair.

4. Any property remaining after offer of sale and donation has been made can be sold for scrap or, if unsalable, offered for recycle.

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R 7300.2 DISPOSITION OF REAL PROPERTY

A. Definition

"Real property" means land and the structures upon the land and all immovable equipment and fixtures attached to the land or its structures, excluding property purchased with federal funds.

B. Review

The decision to dispose of the real property of the district that is no longer suitable or convenient for the use for which it was acquired or is no longer needed for school purpose will be made by the Board of Education in accordance with N.J.S.A. 18A:20-5 et seq., N.J.A.C. 6A: 26-7.4 and Policy No. 7100.

C. Department of Education Review and Approval

1. If the Board desires to have an approved site altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the Division of Facilities and Transportation, Department of Education.

2. The district will send a copy of the request to the County Superintendent of Schools who will make recommendations to the Division. The County Superintendent will provide a copy of the recommendations to the Board of Education.

3. The request will indicate whether the district intends to convey the site under an exception to the public requirements of N.J.S.A. 18A:20-9.

4. The Division will determine whether the disposal is consistent with the district's approved Long-Range Facility Plan, or whether it has a negative impact on the educational adequacy of an individual site.

5. The Department of Education will notify the district of its approval or disapproval.

D. Disposal

1. If the Department of Education approves the Board's request, the Board by the affirmative votes of a majority of its full number of members, may alter or dispose of through sale, transfer or exchange of all or part of the total acreage of an approved school site, including facilities if applicable.

2. Any such real property will be sold at public sale, in accordance with N.J.S.A. 18A:20-5 et seq., unless it is sold at private sale without advertisement to the State of New Jersey or a political subdivision of the state or otherwise conveyed or transferred as provided by statute.

3. The public sale will be advertised at least once a week for two weeks prior to the sale in the newspapers in which official announcements of this district are made.

4. After advertisement, the property will be sold to the highest bidder, except that:

   a. The Board may by resolution fix a minimum price with or without reservation of the right, upon the completion of the public sale, to accept or reject the highest bid which reservation shall be included in the advertisement and given as public notice at the time of the sale, or

   b. The Board may by resolution provide without fixing a minimum price that upon the completion of the public sale, the Board may accept or reject the highest bid received.

      If the Board fails to accept or reject the highest bid by the second regular Board meeting following the sale, the bid will be deemed to have been rejected.

5. If no bid is received or if the bids that are received are rejected by the Board in the public interest, the Board may enter into negotiations with any interested party or parties for the sale or other disposal of the property, but shall offer a bidder a hearing upon the bidder's request before entering into such negotiations.

6. The acceptance or rejection of a negotiated price shall be by the affirmative votes of a majority of the full number of Board members at a regularly scheduled meeting.

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R 7300.3 DISPOSITION OF PERSONAL PROPERTY

A. Definitions

1. "Personal property" means all property other than real property, as defined in Regulation No. 7300.2; instructional property, as defined in Regulation No. 7300.1; and federal property, as defined in Regulation No. 7300.4.

2. "Excess property" means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade-in on a replacement purchase.

3. "Estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.

B. Review

1. The Superintendent will compile a list of excess property within the district at the close of each school year.

2. The School Business Administrator/Board Secretary will receive lists prepared in accordance with paragraph B1 and will maintain a master, district-wide list of excess property.

3. An item of personal property that has remained on the district-wide master list of excess property for thirty working days or more will be considered to be unusable and will be disposed of in accordance with Policy No. 7300 and this regulation.

C. Disposal at Public Sale

The Board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes.

1. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale to the highest bidder.

2. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in the official newspaper.

Such sale shall be held not less than seven nor more than fourteen days after the publication of the notice thereof.

3. Personal property may be sold to the United States, the State of New Jersey, another Board of Education, any body politic, any foreign nation which has diplomatic relations with the United States, or any governmental unit in these United States by private sale without advertising for bids.

4. If no bids are received the property may then be sold at private sale without further publication or notice thereof, but in no event at less than the estimated fair value; or the Board may if it so elect to re-offer the property at public sale.

   As used herein, "estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any personal property not needed for school purposes to be sold pursuant to this section.

5. The Board may reject all bids if it determines such rejection to be in the public interest.

   a. In any case in which the Board has rejected all bids, it may readvertise such personal property for a subsequent public sale.

   b. If it elects to reject all bids at a second public sale, pursuant to this section, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at private sale be less than the highest price of any bid rejected at the preceding two public sales and provided further that in no event shall the terms or conditions of sale be changed or amended.

   c. If the estimated fair value of the property to be sold does not exceed the applicable bid threshold established pursuant to section C.1. above in any one sale or is either livestock or perishable goods, it may be sold at private sale without advertising for bids.

6. Notwithstanding the provisions of this regulation, by resolution of the Board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of a new purchase.

Issued: 19 October 2011



R 7300.4 DISPOSITION OF FEDERAL PROPERTY

A. Definitions

1. "Federal property" means all property, real or personal or otherwise, purchased with federal grant funds, including instructional materials.

2. "Excess property" means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade-in on a replacement purchase.

3. "Estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.

B. Review

1. The School Business Administrator/Board Secretary will compile a list of excess federal property in the district at the close of each school year.

2. Property that has remained on the list of excess federal property for thirty working days or more will be considered to be unusable and will either be traded in or reported to the State Department of Education with a request for disposal.

C. Trade-in

Federal property no longer usable may be traded in or sold and the proceeds are to be used to offset the cost of replacement equipment with the approval of the New Jersey Department of Education. The additional cost to acquire a replacement shall be charged directly to the federal program, if the program budget permits, and provided the Board of Education has approved the transaction by resolution.

D. Disposal

1. Equipment no longer needed with a unit fair market value of $5,000 or more may be retained for other uses provided compensation is made to the United States Department of Education. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. Payments shall be made to Treasurer, State of New Jersey-New Jersey Department of Education.

2. The School Business Administrator/Board Secretary will request disposition instructions from the Secretary of the United States Department of Education for equipment no longer wanted by the school district.

   If so instructed or if the disposition instructions are not issued in one hundred twenty calendar days after the request is received by the Secretary, the equipment will be sold in accordance with No. 3 below.

3. Equipment no longer needed and/or wanted with a unit fair market value of less than $5,000 and more than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, shall be disposed of with no further obligation of the school district and as follows:

   a. Notice of the date, time, and place of public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper. (N.J.S.A. 18A:18A-45b)

   b. A sale shall be held not less than seven nor more than fourteen days after publication of the newspaper notice. (N.J.S.A. 18A:18A-45b)

   c. If no bids are received, the Board may readvertise the public sale or sell the property at private sale without public notice. Any such property sold at private sale cannot be sold for less than the estimated fair value of the property. (N.J.S.A. 18A:18A-45d)

   d. The Board may reject all bids if it determines that such rejection is in the public interest. If all bids are rejected, the Board may readvertise the property for a second public sale. (N.J.S.A. 18A:18A-45e)

   e. If the Board rejects all bids at the second public sale, the Board may sell the property at private sale without public notice, provided the selling price at private sale is at least as high as the highest bid received at the two preceding public sales, and the terms and conditions announced at the public sales are unchanged. (N.J.S.A. 18A:18A-45e)

4. Federal property with a unit value of less than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, may be disposed of at private sale with no further obligation of the school district and as follows:



a. The School Business Administrator/Board Secretary shall establish the sale price and make reasonable efforts to find private buyers. The price charged shall be fair in value, but in no case can it be less than the costs incurred by the Board in arranging the sale and maintaining and delivering the property.

b. Property that remains unsold after thirty working days shall be given without cost to another school district or a charitable organization or institute within the school district.

c. Property that has not been claimed after thirty working days shall be offered for scrap or, if that is not feasible, discarded.

5. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the Federal project or program, the school district shall retain the supplies for use on non-Federal activities or sell them, but shall, in either case, compensate the Federal government for its share. The amount of compensation shall be computed in the same manner as for equipment.

   The supplies acquired with Federal funds may not be used to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute.

34 CFR Subtitle A Section 74.34, 74.35 and 80.32

Issued: 19 October 2011



R 7410 MAINTENANCE AND REPAIR

A. Inspection

1. The Principal or designee and the appropriate custodial staff member shall inspect the facility daily for proper functioning and cleanliness.

2. The Principal or designee with the appropriate custodial staff member shall make a regular inspection of the school building, support facilities, and grounds to identify any required repairs or replacements.

B. Reports

1. Reports of each inspection required in A. above will be made on a form and forwarded to the Superintendent or designee.

2. The Head of Facilities will report to the Business Administrator those repairs or improvements that can be completed by district staff and those improvements or repairs that require the services of an outside contractor.

C. Repairs by District Staff

1. Any staff member may prepare, on the prescribed form, a work order request for repairs, improvements, and/or maintenance. All work order requests will be submitted to the Superintendent.

2. The Superintendent will assign a priority to those work orders to be performed by district staff. The priority code will be:

   a. Emergency, for work that must be done immediately;

   b. High Priority, for work that affects health or safety;

   c. Normal Priority, for work that affects neither health nor safety; and

   d. Low Priority, for work that can be completed during the summer months or whenever staff is available.

3. Work scheduled to be performed by the school district staff shall be entered on a work order form unless an emergency exists in which case the form may be filed after the repair has been made.

4. The work order form shall include, at a minimum, the following information:

   a. Name of the person making the request;

   b. Date of request;

   c. Location of repair;

   d. A description of the work to be performed;

   e. Scheduled date of completion; and

   f. Signature of approval by the Superintendent and Business Administrator.

D. Repairs by Outside Contractors

1. When it appears to be necessary to utilize outside contracting services to complete a repair, improvement, or maintenance item, the Principal; appropriate custodial or maintenance staff member; the School Business Administrator/Board Secretary; and any other staff member designated by the Superintendent or School Business Administrator/Board Secretary will confer in the preparation of a project specification.

2. The School Business Administrator/Board Secretary or designee will prepare the required documents in the event the project requires to be bid or quoted in accordance with law or if it is determined the district wants to obtain quotes for the work even if quotes are not required by law.

   3. In the event the project does not need to be bid or quoted, the Business Administrator shall prepare a purchase order requisition that indicates:

   a. The recommended vendor(s);

b. A description of the work required and its location; and

c. The actual cost of the project.

4. The staff member designated by the Superintendent shall be responsible for supervising the conduct of the work.

E. Replacements and Improvements

1. The Superintendent and School Business Administrator/Board Secretary and others designated by the Superintendent will prepare a replacement schedule that lists all district equipment. Annual recommendations will be made in the budget to maintain the schedule of replacements.

2. Replacements required, but not scheduled, shall be submitted to the Superintendent, School Business Administrator/Board Secretary, and Principal for a school building level need, by the end of September on a budget request form for consideration in the next annual budget.

3. A comprehensive district maintenance plan shall be prepared in accordance with N.J.A.C. 6A:26-20.5 in order to meet facility needs and comply with law.

Adopted: 21 September 2022

R 7420 HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS

A. Definitions

1. "Body wastes and fluids" includes a person's blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva. Body fluids of all persons should be considered to potentially contain infectious agents.

2. "Disinfectant" means an intermediate level agent that will kill vegetative bacteria, fungi, tubercle bacillus, and viruses and has been registered by the U.S. Environmental Protection Agency for use as a disinfectant in medical facilities and hospitals. The following classes of disinfectants are acceptable, with hypochlorite solution (A2c) preferred for objects that may be put in the mouth:

   a. Ethyl or isopropyl alcohol (70%);

   b. Phenolic germicidal detergent in a 1% aqueous solution;

   c. Sodium hypochlorite with at least 100 ppm available chlorine (one-half cup household bleach in one gallon water, freshly prepared for each use);

   d. Quaternary ammonium germicidal detergent in 2% aqueous solution; and

   e. Iodophor germicidal detergent with 500 ppm available iodine.

3. "Person" means any person on school premises or at a school-related activity, including pupils, staff members, and visitors, whether or not the person has a communicable disease or has been exposed to a communicable disease.

B. Precautions

1. Whenever possible, direct contact with body wastes and fluids should be avoided.

2. The wearing of protective gloves is required whenever direct hand contact with body wastes and fluids is anticipated, such as in treating a bloody nose, handling clothing soiled by incontinence, and cleaning small spills by hand.

3. Disposable protective gloves shall be worn by any person in the removal of body wastes and fluids and the treatment or disinfection of any items or surfaces that have come in contact with body wastes and fluids.

4. A supply of disposable protective gloves shall be maintained in the office of the school nurse and shall be freely available to all staff members.

C. When Bodily Contact with Body Wastes or Fluids Occurs

1. Hands and other skin areas that have come in contact with a person's body wastes or fluids must be thoroughly washed by the use of soap and vigorous scrubbing of all contacted surfaces under running water for at least ten seconds. Hands and other skin areas should then be dried with paper towels.

2. Gloves soiled by contact with body wastes and fluids or in the cleaning of soiled items and surfaces should be promptly removed and placed in a plastic bag or lined trash can, secured, and disposed of daily.

D. Removal of Body Wastes and Fluids From the Environment

1. A sanitary absorbent agent, designed to absorb and disinfect body wastes and fluids, will be applied in accordance with instructions supplied with the material.

2. When the fluid is absorbed, the material will be vacuumed or swept up and the vacuum bag or sweepings will be disposed of in a plastic bag or lined trash can, secured, and disposed of daily.

3. The broom and dust pan used in sweeping will be rinsed in a disinfectant. No special handling is required for the vacuuming equipment.

4. Any disposable items (such as paper towels and tissues) used to clean up will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

E. Treatment of Soiled Items

1. Items such as clothing and fabric towels should be rinsed under cold running water to remove body wastes and fluids. If necessary for the treatment of stains, the item may be soaked in cold water.

2. If such prerinsing is required, gloves should be used when rinsing or soaking the items in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers.

3. Rinsed items may be stored in a plastic bag until further treatment can be given. A pupil's soiled clothing should be placed in a plastic bag with prepared laundry instructions for the parent(s) or legal guardian(s).

4. Clothing and other items soiled by body wastes and fluids should be laundered separately in soap and water. The use of a household chlorine bleach is recommended; if the material is not colorfast, a nonchlorine bleach may be used.

5. Soiled disposable items (e.g., tissues, cotton balls, band aids, paper towels, diapers) should be handled in the same manner as disposable gloves.

F. Treatment of Soiled Rugs

1. Body wastes and fluids should be removed as provided in D.

2. A rug shampoo with a germicidal detergent should be applied with a brush and, when dried, vacuumed.

3. The vacuum bag will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

G. Disinfection of Hard Surfaces

1. Employees are to wear gloves while disinfecting hard surfaces and equipment.

2. Body wastes and fluids should be removed as provided in D and a disinfectant applied to the affected surface.

3. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle.

4. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate.

5. Nondisposable cleaning equipment (such as dust pans and buckets) should be thoroughly rinsed in the disinfectant.

6. The disinfectant solution should be promptly discarded down a drain pipe.

7. Gloves should be discarded in appropriate receptacles.

H. Disposal of Sharps

"Sharps" are defined as any instrument used to inject fluids into or draw fluids out of humans. Included are the pricks used for tine tests and blood sampling.

1. The school nurse shall keep a log of all sharps used on a monthly basis. One copy of the log shall be maintained with the nurse's files and one copy submitted to the Board office.

2. All sharps shall be placed in a medical waste container that is:

- rigid

- leak resistant

- impervious to moisture

- have sufficient strength to prevent tearing or bursting under normal conditions of use and handling

- puncture resistant

- sealed to prevent leakage during transport

- labeled

When the medical waste container is 75% full, the school nurse will arrange to have the container picked up. The words, "Medical Waste", shall be clearly typed across the top of the work order form.

The school nurse will arrange for the contracted vendor to pick up the sharps container. The vendor will provide a completed transmittal form at the time of pick up. A copy of the transmittal form will be kept by the school nurse and a copy submitted to the Board office.

Adopted: 19 October 2011



R 7420.1 BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

A. Definitions

1. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in human beings, including but not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

2. "Exposure incident" means a specific eye, mouth, other mucous membranes, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

3. "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or any other body fluid that may result from the performance of an employee's duties.

4. "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

5. "Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

B. Exposure Determination

The employees in this school district who have occupational exposure are those employees whose duties require close contact with pupils and include the job classifications designated by the Superintendent.

C. Workplace Controls

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All body fluids shall be considered potentially infectious materials, whether or not the presence of bloodborne pathogens is determined and whether or not body fluid types can be differentiated.

2. All blood and body fluids shall be handled in accordance with Regulation No. R 7420, Handling and Disposal of Body Wastes and Fluids, which is incorporated herein as if set forth in its entirety.

D. Hepatitis B Vaccination

1. Hepatitis B vaccination shall be made available to each employee identified as having occupational exposure, after the employee has received training in bloodborne pathogens and within ten working days of his/her initial assignment, unless

   a. The employee has previously received the complete hepatitis B vaccination series,

   b. Antibody testing has revealed that the employee is immune,

   c. The vaccine is contraindicated for medical reasons, or

   d. The employee declines to receive the vaccine and signs the required statement to that effect, except than an employee who has declined to receive the vaccine and later decides to receive it shall be again offered the vaccine.

2. Hepatitis vaccination shall be made available without cost to employees, at a reasonable time and place, under the supervision of a licensed physician or other licensed healthcare professional, and in accordance with recommendations of the U.S. Public Health Service current at the time of the vaccination.

3. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee.

E. Post Exposure Evaluation and Follow-Up

Whenever an exposure incident is reported, the exposed employee shall be promptly offered a confidential medical evaluation and follow-up.

1. The route(s) of exposure and the circumstances under which exposure occurred shall be documented.

2. The identity of the source individual shall be documented, unless the Board establishes that identification is not feasible or is prohibited by state or federal law.

3. Unless the identified source individual's infection with HBV or HIV infection is already known, the identified source individual's blood shall be tested for HBV and HIV infectivity, provided that the source individual has consented to the test for HBV and HIV infectivity or when consent is not required by the law. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

4. The results of any blood testing of the source individual shall be made available to the exposed employee, and the employee shall be informed of all laws and regulations regarding disclosure of the identity and infectious status of the source individual.

5. The exposed employee's blood shall be collected as soon as possible after the exposure and on the employee's consent for HBV and HIV serological status. The employee may withhold consent for HIV serological testing for up to ninety days, during which his/her blood sample shall be preserved.

6. The exposed employee shall be offered post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service; counseling; and evaluation of any reported illnesses.

F. Communication of Hazards to Employees

Any container that holds blood or other potentially infectious material shall be conspicuously labeled with a sign that its contents are a biohazard, in accordance with federal regulations. 29 C.F.R. 1910.1030(g).

G. Training Program

1. Employees with occupational exposure must participate in a training program, which shall be provided at no cost to the employee and during working hours.

2. Employees shall receive training on their initial assignment to a position with occupational exposure within ninety days after the effective date of the exposure and annually thereafter. Employees shall also receive training whenever any modifications in the position affects exposure except that any such training may be limited to the new exposures created.

3. Training materials shall be appropriate in content and vocabulary to the educational level, literacy, and language of employees.

4. The training program shall include as a minimum:

   a. An accessible copy of the OSHA regulation on bloodborne pathogens, 29 C.F.R. 1910.1030, and an explanation of its contents,

   b. A general explanation of the epidemiology and symptoms of bloodborne diseases,

   c. An explanation of the modes of transmission of bloodborne pathogens,

   d. An explanation of this Exposure Control Plan and the means by which the employee can obtain a copy of the plan,

   e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials,

   f. An explanation of the use and limitations of methods that will prevent or reduce exposure, including work practices and personal protective equipment,

   g. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment,

   h. An explanation of the basis for selection of personal protective equipment,

   i. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of vaccination, and the free availability of the vaccine and vaccination,

   j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials,

   k. An explanation of the procedure to be followed if an exposure incident occurs, including the method of reporting that incident and the medical follow-up that will be made available,

   l. Information on the post-exposure evaluation and follow-up that the employer is required to provide after an exposure incident,

   m. Information regarding the labeling of biohazardous materials, and

n. An opportunity for interactive questions and answers with the person conducting the training session.

5. The person conducting the training shall be knowledgeable in the subject matter covered as is relates to the workplace that the training will address.

H. Recordkeeping

1. The district will establish and maintain an accurate medical record for each employee with occupational exposure in accordance with 29 CFR 1910.1020. The record shall include:

a. The name and social security number of the employee;

b. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations required by Section D. of this regulation;

c. A copy of all results of examinations, medical testing, and follow-up procedures as required by Section E. of this Regulation;

d. The district's copy of the healthcare professional's written opinion as required by 29 C.F.R. 1910.1030 (f)5;

e. A copy of the information provided to the healthcare professional as required by 29 C.F.R. 1910.1030 (f)(4)ii(B)(C) and (D);

f. The district shall ensure the employee's medical records required in Policy 7420 and this Regulation are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by law; and

g. The medical records required in this section must be maintained by the district for at least the duration of employment of the employee plus thirty years in accordance with 29 CFR 1910.1020.

2. The district will maintain training records for three years from the date on which the training occurred. These records shall include:

a. The dates and contents or summary of the training sessions; and

b. The names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions.

3. The district will ensure the training records required by this section of the Regulation be made available to authorized State and federal agencies, employees, and employee representatives upon request. Employee medical records required by this section of the Regulation shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to authorized State and federal agencies in a accordance with State and federal laws.

4. The district shall comply with the requirements involving the transfer of records set forth in 29 CFR 1910.1020(h).

5. The district shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the log shall be recorded and maintained in such a manner as to protect the confidentiality of the injured employee. The log shall contain, at a minimum: the type and brand of device involved in the incident; the department or work area where the exposure incident occurred; and an explanation of how the incident occurred. This log shall be maintained for the period required by 29 CFR 1904.6.

I. District's Exposure Control Plan

1. The District's Exposure Control Plan shall be reviewed at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update of the Plan shall also

   a. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

   b. Document annually consideration and implementation of appropriate, commercially-available, and effective safer medical devices designated to eliminate or minimize occupational exposure.

J. Staff Input

1. The Superintendent or designee shall solicit input from non-managerial employees who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document this solicitation in the Exposure Control Plan.

Adopted: 19 October 2011



R 7420.2 CHEMICAL HYGIENE

A. Definitions

The following terms shall be defined as specified in 29 CFR 1910:

1. "Action level" means a concentration designated in 29 CFR part 1910 for a specific substance, calculated as an eight hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.

2. "Carcinogen" (see "select carcinogen").

3. "Chemical Hygiene Officer" means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.

4. "Chemical Hygiene Plan" means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that (i) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and (ii) meets the requirements of a Chemical Hygiene Plan.

5. "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C) but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

6. "Compressed gas" means:

   a. A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

   b. A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

c. A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTMD-323-72.

7. "Designated area" means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.

8. "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.

9. "Employee" means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his/her assignments.

10. "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

11. "Flammable" means a chemical that falls into one of the following categories:

a. "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening:

b. "Gas, flammable" means

(1) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or

(2) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume regardless of the lower limit.

c. "Liquid, flammable" means any liquid having a flashpoint below 100°F (37.8°C) except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

d. "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

12. "Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

a. Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tagliabue Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C) that do not contain suspended solids and do not have a tendency to form a surface film under test: or

b. Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester A11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C) or that contain suspended solids, or that have a tendency to form a surface film under test; or

c. Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

13. "Hazardous chemical" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Appendices A and B of the Hazard Communication Standard (29 CFR 1910.1200) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

14. "Laboratory" means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.

15. "Laboratory scale" means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.

16. "Laboratory-type hood" means a device located in a laboratory, enclosure on five sides with a movable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

    Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

17. "Laboratory use of hazardous chemicals" means handling or use of such chemicals in which all of the following conditions are met:

    a. Chemical manipulations are carried out on a "laboratory scale";

    b. Multiple chemical procedures or chemicals are used;

    c. The procedures involved are not part of a production process, nor in any way simulate a production process; and

    d. "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

18. "Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

19. "Organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

20. "Oxidizer" means a chemical other than a blasting agent or explosive as defined in § 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

21. "Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

22. "Protective laboratory practices and equipment" means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.

23. "Reproductive toxins" means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

24. "Select carcinogen" means any substance which meets one of the following criteria:

    a. It is regulated by OSHA as a carcinogen; or

    b. It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or

    c. It is listed under Group 1 ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or

d. It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

(1) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m3;

(2) After repeated skin application of less than 300 (mg/kg of body weight) per week; or

(3) After oral dosages of less than 50 mg/kg of body weight per day.

25. "Unstable (reactive)" means a chemical which is in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

26. "Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

B. Employee Exposure

The Board shall provide for initial and periodic monitoring of any employees if there is reason to believe that exposure levels to an OSHA regulated substance will exceed permissible limits as specified in 29 CFR part 1910 subpart Z. Monitoring may only be terminated in accordance with the relevant standard. The School Business Administrator/ Board Secretary or designee will notify in writing affected employees within fifteen working days of the results of monitoring either individually or by posting the results in a location accessible to all employees.

C. Chemical Hygiene Plan

1. The Superintendent shall cause the development of a Chemical Hygiene Plan by the School Business Administrator/Board Secretary or designee which shall include at least the following elements and indicate specific measures the Board will take to ensure employee protection:

a. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;

b. Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;

c. A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment;

d. Provisions for employees information and training as prescribed by 29 CFR Part 1910;

e. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;

f. Provisions for medical consultation and medical examinations in accordance with 29 CFR Part 1910;

g. Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer and, if appropriate, establishment of a Chemical Hygiene Committee; and

h. Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens", reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:

(1) Establishment of a designated area;

(2) Use of containment devices such as fume hoods or glove boxes;

(3) Procedures for safe removal of contaminated waste; and

(4) Decontamination procedures.

2. The plan shall be capable of protecting employees from health hazards associated with hazardous chemicals in laboratories and keeping exposure below specified limits.

D. Employee Information and Training

The Superintendent or designee shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. The information shall be provided at the time of the employees initial assignment to the work area and whenever new exposure situations arise. Refresher information shall be provided as the situation with regard to hazardous chemicals changes. Employees shall be informed of (1) the contents of federal standards relating to hazardous chemicals; (2) the location and availability of the chemical hygiene plan; (3) the permissible exposure limits as established by OSHA; (4) signs and symptoms associated with exposure to hazardous chemicals used in the laboratory and (5) the location and availability of known references on the hazards, safe handling, storage and disposal of hazardous chemicals.

Employee training shall include (1) methods and observations used to detect the presence or release of hazardous chemicals; (2) the physical and health hazards of chemicals in the work area; (3) the measures employees can use to protect themselves, including specific procedures the Board has implemented to protect employees; (4) training on the applicable details of the Board's Chemical Hygiene Plan.

E. Medical Consultation

The Board will provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including follow-up examinations the physician deems necessary under the following circumstances:

1. Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.

2. Where exposure monitoring reveals an exposure level routinely above the action level (or in the absence of an action level, the PEL) for an OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.

3. Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

F. Information Provided to the Physician

The employer shall provide the following information to the physician:

1. The identity of the hazardous chemicals(s) to which the employee may have been exposed;

2. A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and

3. A description of the signs and symptoms of exposure that the employee is experiencing, if any.

G. Physician's Written Opinion Shall Include:

1. Any recommendation for further medical follow-up;

2. The results of the medical examination and any associated tests;

3. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and

4. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

H. Hazard Identification

With respect to labels and material data sheets, the Board shall (1) ensure that labels on incoming containers of hazardous materials are not removed or defaced; (2) maintain material safety data sheets and ensure they are available to employees, and (3) comply with federal regulations with regard to chemical substances produced within the laboratory, assuming that if a substance is produced whose composition is not known that it will be assumed it is hazardous.

I. Use of Respirators

Where respirators are required to maintain exposure below permissible limits, they will be provided to the employee at no cost and will comply with the requirements of 29 CFR 1910.134.

J. Recordkeeping

The Superintendent or designee shall establish and maintain for each employee exposed to hazardous chemicals an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by federal standards. The Board shall assure that records are kept, transferred and made available in accordance with 29 CFR 1910.1020.

Adopted: 19 October 2011



R 7421 INDOOR AIR QUALITY STANDARDS

A. Definitions

1. "Air contaminants" - refers to substances contained in vapors from paint, cleaning chemicals, pesticides, solvents, particles, outdoor air pollutants and other airborne substances which together may cause material impairment to employees working within the enclosed workplace.

2. "Building related illnesses" - describes specific medical conditions of known etiology which can be documented by physical signs and laboratory findings. Such illnesses include sensory irritations when caused by known agents, respiratory allergies, asthma, nosocomical infections, humidifier fever, Legionnaires' Disease, and the signs and symptoms characteristic of exposure to chemical or biologic substances such as carbon monoxide, formaldehyde, pesticides, endotoxins, or mycotoxins.

3. "Building systems" - include the heating, ventilating and air-conditioning (HVAC) system, the energy management system and all other systems in a facility which may impact indoor air quality.

4. "Department" - Department of Health and Senior Services

5. "Designated person" - a person who is designated by the administration to take necessary measures to assure compliance with indoor air quality standards.

6. "HVAC system" - means the collective components of the heating, ventilation and air conditioning systems including, but not limited to, filters and frames, cooling coil condensate drip pans and drainage piping, outside air dampers and actuators, humidifiers, air distribution ductwork, automatic temperature controls, and cooling towers.

7. "HVAC System Commissioning Report" - means a document normally prepared by an architect or engineer that provides verification that the HVAC system is operating in conformity with the design intent.

8. "Office Building" - means a building in which administrative and/or clerical activities are conducted. Examples of facilities and/or operations which are not office buildings include schools, repair shops, garages and print shops.

9. "Renovations and remodeling" - means building modification involving activities that include, but are not limited to; removal or replacement of walls, roofing, ceilings, floors, carpet and components such as moldings cabinets, doors, and windows; paintings; decorating; demolition; surface refinishing; and removal or cleaning of ventilating ducts.

B. Compliance Program

The Superintendent will designate the Facilities Supervisor, who is given the responsibility to assure compliance with indoor air quality standards. The designated person will assure that at least the following actions are limited and documented:

1. Establishing and following a preventative maintenance schedule for heating, ventilating and air conditioning (HVAC) systems that are in accordance with manufacturer's recommendations or with accepted practice for the HVAC system.

2. Implementing the use of general and local exhaust ventilation where housekeeping and maintenance activities involve the use of equipment or products that could reasonably be expected to result in hazardous chemicals or particulate exposure above the Permissible Exposure Limit (PEL).

3. When the carbon dioxide level exceeds 1,000 parts per million (ppm), the designated person will check to make sure the HVAC system is operating properly. If it is not, the designated person will take necessary steps as outlined in 1. above.

4. Check to make sure HVAC systems are working properly when the building temperatures are outside of the range of 68 to 79 degrees Fahrenheit. If it is not, the designated person will take necessary steps as outlined in 1. above.

5. If contamination of the make-up air supply is identified and documented, then the make-up inlets and/or exhaust outlets shall be re-located or the source of the contamination eliminated. Sources of make-up air contamination may include contaminants from sources such as cooling towers, sanitary vents, vehicular exhausts from parking garages, loading docks and street traffic.

6. Assure that buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational.



7. Promptly investigate all employee complaints of signs or symptoms that may be associated with building-related illnesses.

C. Air Quality During Renovation and Remodeling

1. Renovation work and/or new construction that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health will be safeguarded by means of local ventilation or other protective devices to ensure the safety of employees. Renovation areas in the occupied building shall be isolated and dust and debris shall be confined to the renovation or construction area.

2. Before use of paints, adhesives, sealants, solvents, or installation of insulation, particle board, plywood, floor coverings, carpet backing, textiles, or other materials in the course of renovation or construction, the designated person will check product labels or seek and obtain information from the manufacturers of those products on whether or not they contain volatile organic compounds such as solvents, formaldehyde or isocyanates that could be emitted during regular use. This information shall be used to select products and to determine necessary measures to be taken to comply with indoor air quality standards.

3. The designated person will notify employees at least twenty-four hours in advance, or promptly in emergency situations of work to be performed on the building that may induce air contaminants into their work area.

D. Recordkeeping

1. The maintenance schedule shall be updated by the designated person to show all maintenance performed on the building systems. The schedule shall include the date such maintenance was performed and the name of the person or company performing the work.

2. The records required to be maintained by this section shall be retained for at least three years and be available on request to employees and employee representatives and Department representatives for examination and copying.

E. Response To A Signed Complaint From The Department

1. Within ten working days of receipt of the complaint notification from the Department, the designated person will respond in writing to the Department. The response may include any combination of the following:

a. A statement that the complaint is unfounded;

b. A description of any remedial action already taken;

c. An outline of any remedial measures planned but not yet taken, with a timeline for completion; and/or

d. A statement that a study of the problem, with a timetable for completion of the study, has been initiated.

2. Where remedial measures are planned or a study initiated, they shall be completed as soon as feasible. The designated person will submit, to the Department, a written report describing the remedial measures implemented and/or a copy of the study's report within fifteen working days of completion.

3. Permits for remedial work shall be obtained as required by N.J.A.C. 5:23 (the New Jersey Uniform Construction Code). All work requiring a permit shall be performed in compliance with N.J.A.C. 5:23.

F. In response to an employee complaint to the Department, the designated person will provide any of the following documents, if available, and requested by the Department:

1. As-built construction documents;

2. HVAC system commissioning reports;

3. HVAC systems testing, adjusting and balancing reports;

4. Operations and maintenance manuals;

5. Water treatment logs; and

6. Operator training materials.

Issued: 19 October 2011



R 7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

A. Definitions

1. "Commissioner" means the Commissioner of Environmental Protection.

2. "Department" means the Department of Environmental Protection.

3. "Integrated Pest Management Coordinator" or "coordinator" means an individual who is knowledgeable about integrated pest management systems and has been designated by the Board, as the Integrated Pest Management Coordinator (IPMC) pursuant to the New Jersey School Integrated Pest Management Act. The IPMC is authorized to perform the statutory IPM responsibilities of the Board of Education.

4. "Low Impact Pesticide" means any pesticide or pesticidal active ingredient alone, or in combination with inert ingredients, that the United States Environmental Protection Agency has determined is not of a character necessary to be regulated pursuant to the "Federal Insecticide, Fungicide, and Rodenticide Act," 7 U.S.C. s.136 et seq. and that has been exempted from the registration and reporting requirements adopted pursuant to that act; any gel; paste; bait; antimicrobial agent such as a disinfectant used as a cleaning product; boric acid; disodium octoborate tetrahydrate; silica gels; diatomaceous earth; microbe-based insecticides such as bacillus thuringiensis; botanical insecticides, not including synthetic pyrethroids, without toxic synergists; and biological, living control agents.

5. "Pesticide" means any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. "Pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator.

6. "Plan" means the school district's goals regarding the management of pests and the use of pesticides on all school property. The plan shall be developed in accordance with the requirements of N.J.S.A. 13:1f-19 through 33.

7. "School" means any public or private school as defined in N.J.S.A. 18A:1-1.

8. "School Integrated Pest Management Policy" means a managed pest control policy that eliminates or mitigates economic, health, and aesthetic damage caused by pests in school; that delivers effective pest management, reduces the volume of pesticides used to minimize the potential hazards posed by pesticides to human health and the environment in school; that uses integrated methods, site or pest inspections, pest population monitoring, an evaluation of the need for pest control, and one or more pest control methods, including sanitation, structural repair, mechanical and biological controls, other non-chemical methods, and when non-chemical options are ineffective or unreasonable, allows the use of a pesticide, with a preference toward first considering the use of a low impact pesticide for the school.

9. "School pest emergency" means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a pupil or staff member.

10. "School property" means any area inside and outside of the school building controlled, managed, or owned by the school district.

11. "Staff member" means an employee of the school district, including administrators, teachers, and other persons regularly employed by the school district, but shall not include an employee hired by the school district or the State to apply a pesticide or a person assisting in the application of a pesticide.

12. "Universal notification" means notice provided by the school district to all parents or legal guardians of children attending a school, and staff members of the school district.

B. Integrated Pest Management Coordinator (IPMC)

The Supervisor of Facilites shall be designated the Integrated Pest Management Coordinator (IPMC) of the school district. The Integrated Pest Management Coordinator (IPMC) shall:

1. Maintain information about the school, the school district's Integrated Pest Management Policy, and about pesticide applications on the school property of the school;

2. Act as a contact for inquiries about the School Integrated Pest Management Policy; and

3. Maintain material safety data sheets, when available, and labels for all pesticides that are used on the school property or in the school.

C. Maintenance of Records of Pesticide Application; Notices of Policy

The IPMC shall request from the pesticide applicator and shall maintain records of pesticide applications used on school property or for the school for three years after the application, and for five years after the application of a pesticide designed to control termites, and on request, shall make the data available to the public for review.

A notice of the school district's Integrated Pest Management Policy shall be included in school calendars or another form of universal notification to pupils and parent(s) or legal guardian(s). The notice shall include:

1. The school district's Integrated Pest Management Policy;

2. A list of any pesticide that is in use or that has been used in the last twelve months on school district property;

3. The name, address, and telephone number of the Integrated Pest Management Coordinator of (IPMC) of the school district;

4. A statement that:

   a. The IPMC maintains the product label and material safety data sheet, when available, of each pesticide that may be used on school property;

   b. The label and data sheet is available for review by a parent, legal guardian, staff member, or pupil attending the school; and

   c. The Integrated Pest Management Coordinator (IPMC) is available to parents, legal guardians, and staff members for information and comment.

5. The time and place of any Board meetings that will be held to adopt the School Integrated Pest Management Policy; and

6. The following statement:

"As part of a school pest management plan, the School District may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure."

After the beginning of each school year, the IPMC, in conjunction with the Superintendent, shall provide this notice to each new staff member who is employed during the school year and to the parent(s) or legal guardian(s) of each new pupil enrolled during the school year.

D. Permitted Use of Certain Pesticides; Notice

If it is determined that a pesticide, other than a low impact pesticide, must be used on school property, the pesticide may be used only in accordance with the requirements of N.J.S.A. 13:1F-25.

1. The School Business Administrator/Board Secretary, upon prior notice from the IPMC, shall provide notice to a parent or legal guardian of each pupil enrolled at the school and each staff member of the school, at least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property. The notice shall include:

   a. The common name, trade name, and federal Environmental Protection Agency registration number of the pesticide;

   b. A description of the location of the application of the pesticide;

   c. The date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide applications may take place if the preceding date is cancelled;

d. A statement that the Office of Pesticide Programs of the United States Environmental Protection Agency has stated: "Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure";

e. A description of potential adverse effects of the pesticide based on the material safety data sheet, if available, for the pesticide;

f. A description of the reasons for the application of the pesticide;

g. The name and telephone number of the school district's IPMC; and

h. Any additional label instruction and precautions related to public safety.

2. The notice required by D.1. above may be provided by:

a. Written notice sent home with the pupil and provided to each staff member;

b. A telephone call;

c. Direct contact;

d. Written notice mailed at least one week before the application; or

e. Electronic mail.

3. If the date of the application of the pesticide must be extended beyond the period required for notice under this section, the Board shall reissue the notice required under D.1. above for the new date of application.

E. Posting of Sign Prior to Use of Certain Pesticides

At least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property, the IPMC shall post a sign that provides notice of the application of the pesticide in a prominent place that is in or adjacent to the location to be treated and at each entrance to the building or school ground to be treated.

A sign required for the application of a pesticide shall:

1. Remain posted for at least seventy-two hours after the end of the treatment;

2. Be at least 8½ inches by 11 inches; and

3. State the same information as that required for prior notification of the pesticide application pursuant to Section D.1. of this Regulation.

In the case of outdoor pesticide applications, each sign shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled due to weather. A sign shall be posted after an outdoor pesticide application in accordance with 1, 2 and 3 above.

The requirement imposed pursuant to this section shall be in addition to any requirements imposed pursuant to the "Pesticide Control Act of 1971," P.L. 1971, c.176 (C.13:1F-1 et seq.), and any rules or regulations adopted pursuant thereto.

F. Applicability of Notice and Posting Requirements

The provisions of Sections D and E of this Regulation shall apply if any person applies a pesticide, other than a low impact pesticide, on school property, including a custodian, staff member, or commercial applicator. These provisions shall apply to a school during the school year, and during holidays and the summer months, only if the school is in use by children during those periods. During those periods, notices shall be provided to all staff members and the parents or legal guardians of the pupils that are using the school in an authorized manner.

G. Emergency Use of Certain Pesticides

A pesticide, other than a low impact pesticide, may be applied on school property in response to an emergency, without complying with the provisions of Sections D and E of this Regulation, provided the following requirements are met:

1. The School Business Administrator/Board Secretary shall, upon prior notice from the IPMC and within twenty-four hours after the application or on the morning of the next school day, provide to each parent or legal guardian of pupils enrolled at the school, and staff members of the school, notice of the application of the pesticide for emergency pest control that includes:

   a. The information required for a notice under Section D of this Regulation;

   b. A description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a pupil or staff member; and

c. If necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide pursuant to this section.

The district may provide notice required in G.1. above by:

1. Written notice sent home with the pupil and provided to the staff members;

2. A telephone call;

3. Direct contact; or

4. Electronic mail.

When a pesticide is applied pursuant to this section, the IPMC shall post a sign warning of the pesticide application at the time of the application of the pesticide in accordance with the provisions of Section E of this Regulation.

If there is an application of a pesticide pursuant to this section, the IPMC shall modify the School Integrated Pest Management Plan of the school district if necessary, to minimize the future emergency applications of pesticides under this section.

A pesticide, other than a low impact pesticide, shall not be applied on school property where pupils are expected to be present for academic instruction or for organized extra-curricular activities prior to the time prescribed for re-entry to the application site by the United States Environmental Protection Agency on the pesticide label, except that if no specific numerical re-entry time is prescribed on a pesticide label, such a pesticide, other than a low impact pesticide, shall not be applied on school property where pupils are expected to be present for academic instruction or for organized extra-curricular activities within seven hours of the application.

A pesticide, other than a low impact pesticide, shall not be applied in a school building when pupils are present. Pupils may not be present in an untreated portion of a school building being treated unless the area being treated with a pesticide, other than a low impact pesticide, is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors.

A low impact pesticide may be applied in areas of a school building where pupils will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.

The requirements of this section shall not apply when pesticides are applied on school property for pupil instructional purposes or by public health officials during the normal course of their duties.

H. Immunity From Liability of Commercial Pesticide Applicator

A commercial pesticide applicator shall not be liable to any person for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the IPMC to provide the notice required prior to the application of a pesticide pursuant to the provisions of sections 7, 8, 9, or 10 of P.L. 2002, c.117 (C.13:1F-25, C.13:1F-26, C.13:1F-27 or C.13:1F-28).

I. Development, Availability of Form for Certifying Compliance

The Department of Environmental Protection shall develop and make available to commercial pesticide applicators a form that a commercial pesticide applicator may request an Integrated Pest Management Coordinator (IPMC) to sign prior to the application of a pesticide, other than a low impact pesticide, on school property. The form developed pursuant to this section shall set forth a certification by the Integrated Pest Management Coordinator (IPMC) that the notice and posting requirements for the application of a pesticide established pursuant to Sections D and E of this Regulation, or the posting requirement established pursuant to Section G of this Regulation, as appropriate, have met compliance requirements. Upon being presented by a commercial pesticide applicator with a form pursuant to this section, the signature of the Integrated Pest Management Coordinator (IPMC) shall be required as a condition for the application of the pesticide.

The Department of Environmental Protection may issue an administrative order against a local school Board that fails to adopt and implement a pesticide use and school Integrated Pest Management Policy in compliance with the provisions of N.J.S.A. 13:1F-32.

The Commissioner shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules or regulations as are necessary to implement the provisions of the School Integrated Pest Management Act.

Issued: 19 October 2011



R 7430 SCHOOL SAFETY

Guidelines for Dealing with Accident/Injury

1. The school nurse or another trained person shall be responsible for administering first aid.

2. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent(s) or legal guardian(s) and/or family physician immediately.

3. Parent(s) or legal guardian(s) shall be requested to pick up the pupil. If a parent(s) or legal guardian(s) is unable to provide such transportation, no pupil who is injured shall be sent home alone. A pupil who is injured may be taken home if a responsible person is there to receive that pupil.

4. In extreme emergencies, the school nurse, school doctor or Superintendent may make arrangements for immediate hospitalization of injured pupils. Parent(s) or legal guardian(s) should be contacted as soon as possible.

5. The teacher or other staff member who is responsible for a pupil at the time an accident occurs shall make out a report within twenty-four hours, providing details about the accident. This shall be required for every accident whether first aid is necessary or not.

6. Any injuries or accidents to pupils shall be reported as soon as possible to the Superintendent.

Emergency Medical Procedures for Sports/Athletics

The Board of Education recognizes its responsibility for pupil safety in all aspects of sports and athletic events, both intramural and interscholastic. Emergency medical procedures are to be developed at the school with an athletic program to ensure delivery of appropriate emergency medical services for all practice sessions, competitive contests, games, events, or exhibitions with individual pupils or teams of the school whether among themselves or with pupils of other districts.

These emergency medical procedures shall be disseminated to appropriate personnel within the district.

Adopted: 19 October 2011

R 7432 EYE PROTECTION

A. Eye Protection - N.J.A.C. 6A:26-12.5(a)

The Board of Education requires each student, staff member, and school visitor, including individuals present for evening adult-school programs, to wear appropriate eye protective devices while participating in educational activities and programs as defined in N.J.A.C. 6A:7-1.3 in accordance with N.J.S.A. 18A:40-12.1 and N.J.A.C. 6A:26-12.5.

B. Eye Protection Devices - N.J.A.C. 6A:26-12.5(e)

The following types of eye protective devices shall be used to fit the designated activities or processes:

Potential Eye Hazard	Protective Devices
Caustic or explosive	Goggle, flexible fitting materials, hooded ventilation; add plastic window face shield for severe exposure
Dust producing operations	Goggle, flexible fitting, hooded ventilation
Electric arc welding	Welding helmet in combination with spectacles with eye cup or semi- or flat-fold side shields
Oxy-acetylene welding	Welding goggle, eye cup type with tinted lenses; welding goggle, coverspec type with tinted lenses or tinted plate lens
Hot liquids and gases	Goggle, flexible fitting, hood ventilation; add plastic window face shield for severe exposure
Hot solids	Clear or tinted goggles or spectacles with side shields
Molten materials	Clear or tinted goggles and plastic or mesh window face shield
Heat treatment or tempering	Clear or tinted goggles or clear or tinted spectacles with side shields

Glare operations	Tinted goggles; tinted spectacles with side shields or welding goggles, eye cup or coverspec type with tinted lenses or tinted plate lens
Shaping solid materials	Clear goggles, flexible or rigid body; clear spectacles with side shields; add plastic window face shield for severe exposure
Laser Device operation or experimentation	Appropriate for specific hazard
Vehicle repair or servicing	Clear goggles, flexible or rigid body; clear spectacles with side shields
Other potentially hazardous processes or activities	Appropriate for specific hazard

C. Eye Protective Policy and Program – N.J.A.C. 6A:26-12.5(f)

1. The Board of Education establishes and implements Policy and Regulation 7432 to assure:

   a. No staff member, student, or visitor shall be subjected to any hazardous environmental condition without appropriate eye protection;

   b. The detection of eye hazardous conditions shall be continuous;

   c. Eye protection devices shall be inspected regularly and adequately maintained;

   d. Shared eye protective devices shall be disinfected between uses by a method prescribed by the local school medical inspector;

   e. All eye protective devices shall meet or exceed the appropriate specifications for the various types of devices and suppliers of eye protective devices shall certify, in writing, that the devices meet or exceed said specifications;

f. Specific policy and procedures shall be established to deal with individuals who refuse to abide by established eye-safety practices and procedures;

(1) A staff member who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices may be disciplined for insubordination for failing to obey the rules established by this Board. The proper implementation of eye protection practices shall be a criterion in the evaluation of every staff member required to observe such practices; and

(2) A visitor to the schools who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices may be requested to leave the school premises.

g. The use of contact lenses shall be restricted in learning environments that entail exposure to chemical fumes, vapors, or splashes, intense heat, molten metals, or highly particulate atmospheres. When permitted, contact lenses shall be worn only in conjunction with appropriate eye protective devices, and the lens wearer shall be identified for appropriate emergency care in eye hazardous learning environments;

h. All spectacle-type eye protective devices shall have side shields of the eye-cup, semi- or flat-fold type; and

i. Students, staff members, or visitors wearing personal corrective eyewear shall be required to wear cover goggles or similar devices unless a competent authority can certify the personal eyewear meets or exceeds standards identified in N.J.A.C. 6A:26-12.5(b).

D. Eye Wash Fountains – N.J.A.C. 6A:26-12.5(d)

1. Emergency eye wash fountains, or similar devices capable of a minimum fifteen minutes continuous flow of eye-wash solution, shall be provided in classrooms, shops, laboratories, or other areas where students or

instructors are exposed to caustic materials that can cause damage to the eyes in accordance with N.J.A.C. 6A:26-12.5(d).

2. Eye wash fountains shall be routinely checked by the responsible staff member and any fountain that does not operate properly shall be promptly reported to the Principal.

E. Inspection

The Principal or designee shall annually inspect the school premises for the existence of conditions potentially hazardous to the eyes, for the placement of signs requiring appropriate eye protective devices, and for an adequate supply of appropriate eye protective devices in satisfactory condition. Conditions potentially hazardous to the eyes include, in addition to the activities listed in paragraph A.1. above, the likelihood of flying objects and spilled liquids and the presence of protruding and sharp objects.

F. Training and Supplies – N.J.A.C. 6A:26-12.5(g)

The school district shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the eye safety policies and program. The training shall include all aspects of eye protection as defined in Policy and Regulation 7432 and in accordance with N.J.A.C. 6A:26-12.5(g).

Adopted: 1 December 2021

R 7440 SCHOOL SECURITY

A. Definitions

1. "Access" means free and unimpeded entry to the public areas on school premises. Access does not include entry to:

   a. Areas that are the private domain of individuals, such as an individual's office, closets, and filing cabinets, or

   b. Areas in which pupil instruction is being carried on, without the express permission of the Principal or the teacher in charge.

2. "School premises" means all school buildings, all school grounds, and any structures on school grounds.

B. Access to School Premises

1. Access to the school building and grounds during the school day will be permitted to all pupils enrolled in the school, all school staff members, and visitors pursuant to Policy No. 9150.

2. Access to the school building and grounds before and after the school day will be permitted to:

   a. Members of the Board of Education;

   b. The Superintendent, Board Secretary, Supervisor of Buildings and Grounds, and custodians;

   c. Staff members in the performance of their professional responsibilities;

   d. Pupils involved in interscholastic athletics, co-curricular, and extra-curricular activities and authorized spectators;

   e. Members of organizations granted the use of school premises pursuant to Policy No. 7510;

   f. Police officers, fire fighters, health inspectors, and other agents of state and local government in the performance of their official duties; and

g. Members of the public present to attend a public Board meeting.

3. All visitors to the school building during the school day will be required to register their presence in the school office, pursuant to Policy No. 9150.

4. All persons who enter the school building when the school office is closed must sign a school log, maintained outside the school office. The log will record:

a. The person's name and, if appropriate, title;

b. The date and time of entry and exit;

c. The reason for the person's entry.

5. Signs will be conspicuously posted to inform visitors of the requirements of B3 and B4.

C. Building Security

1. Entrances to the school building shall be kept locked when the school office is closed, except for those entrances required for the access of authorized persons.

2. The Superintendent shall recommend to the Board of Education the installation of any special protective device to guard against illegal entry and/or vandalism.

D. Keys to the School Building and Facilities

1. Staff members and school officials will be provided with keys as follows:

a. Teaching staff members and support staff members will be provided with keys to the specific classroom(s) or storage facility(ies) to which they require access for the performance of their professional duties.

b. The Superintendent, School Business Administrator/Board Secretary, and Facilities Supervisor will be provided with keys to the school building and master keys to all offices, classrooms, and storage facilities in the building.

2. The employee or school official to whom a key or keys is entrusted is prohibited from distributing a key or copy of a key to a person not authorized to possess a key by these regulations.

3. Possession and/or use of a key to school premises by a district employee not expressly authorized by these regulations to possess such a key is an infraction of rules subject to discipline.

4. The loss of a key to any school building, facility, office, classroom, or storage place must be immediately reported to the School Business Administrator/Board Secretary. The staff member who loses a key will be responsible for the cost of the replacement of the key or, if necessary, the lock.

E. Staff Member Responsibilities

1. All valuable belongings should be kept secure. A secure storage place shall be maintained in the school office under lock and key for the temporary storage of valuables belonging to staff members or pupils.

2. A valuable item brought to school by a pupil should be placed in the school office under lock and key and a written receipt given to the pupil. The pupil's parent(s) or legal guardian(s) will be requested to retrieve the item from the school office. The parent(s) or legal guardian(s) may be requested to provide adequate identification before the item is released. The parent(s) or legal guardian(s) to whom a valuable item is released will sign a receipt, which will be maintained by the Principal.

3. Teaching staff members shall:

   a. Close classroom windows and shut and lock classroom doors when leaving at the end of the school day,

   b. Shut and lock classroom doors during the school day when the room is empty,

   c. Report immediately to the Superintendent any evidence of tampering or theft.

4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for the purposes of authorized persons.

5. Office personnel shall take all reasonable precautions to ensure the security of records and documents against unauthorized access, deterioration, and destruction.

a. Petty cash funds and records will be secured daily in accordance with Regulation No. 6620.

b. Board minutes will be secured in accordance with Bylaw No. 0168.

c. Financial records and books of account will be secured in accordance with Policy No. 6810.

d. Pupil records will be secured in accordance with Policy No. 8330 and Regulation No. 8330.

e. Personnel records will be secured in accordance with Policy No. 8320 and Regulation No. 8320.

F. Summoning the Police

1. The Essex Fells Police Department will be summoned promptly whenever evidence is discovered that indicates

a. A crime has been committed on school premises or in the course of staff or pupil transportation to or from school,

b. A break and entry has occurred on school premises,

c. A deadly weapon is on school premises, or

d. A breach of the peace has occurred on school premises.

2. A call to law enforcement agents will be reported to the Superintendent as soon as possible, along with the reason(s) for which the call was made and the outcome of the incident.

Issued: 19 October 2011



R 7441 ELECTRONIC SURVEILLANCE IN THE SCHOOL BUILDING AND ON SCHOOL GROUNDS

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used in school district buildings and on school grounds.

A. Recording and Notice

1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.

2. Recordings may be used to monitor and observe the conduct of school district staff, students, community members, and other person(s) in school buildings or on school grounds.

3. Signage will be posted in a prominent public place in school buildings and on school grounds where electronic surveillance equipment may be used.

B. Student Records and Notice

School district personnel will comply with the provisions of applicable law regarding student record requirements including the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA). Recordings considered for retention, as a part of a student's behavioral record, will be maintained in accordance with established student record procedures governing access, review, and release of student records.

C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.

2. The district will provide notice to students, parent(s), and school staff members that surveillance devices may be used in school buildings and on school grounds.

C. Storage/Security

1. All recordings will be stored by the Superintendent or designee and secured to ensure confidentiality.

2. Recordings will be retained in accordance with the New Jersey Department of the Treasury – Records Management Services – Records Retention Schedules and will be erased or discarded, unless there is a legitimate reason for retaining such recording for review, upon receiving prior authorization from Records Management Services.

E. Use

1. The determination of the location of surveillance devices shall be made by the Superintendent or designee.

2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the Superintendent of Schools or designee.

2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the Superintendent of Schools or designee.

3. Only the portion of the recording concerning a specific incident will be made available for viewing.

4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.

5. All viewing will be in the presence of the Superintendent of Schools or designee.

6. A written log will be maintained by the Superintendent of Schools or designee of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.

7. Video recordings remain the property of the school district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and district personnel records policy, procedures and applicable labor agreements.

G. Law Enforcement Memorandum of Understanding (MOU) (N.J.S.A. 18A:41-9)

1. In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a MOU with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video during an emergency situation. The MOU shall include, but need not be limited to, the following:

   a. A list of designated persons, including contact information, position, rank, and supervisor's contact information, of those who are authorized to activate the equipment to view the live streaming video. The list may be executed as a confidential attachment to the MOU;

   b. Description of the emergency circumstances under which the designated individuals could activate and view live streaming video; and

   c. A detailed plan for preventing and detecting unauthorized access to live streaming video.

2. In the case of a school building that is located in a municipality in which there is no municipal police department, the Board shall enter into a MOU with an entity designated by the Superintendent of the State Police.

3. In the event the district and law enforcement authority are unable to reach an agreement regarding any provision required to be included pursuant to G.1.a.-c. above, the County Prosecutor shall make the final determination.

4. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that is not equipped with such equipment.



H. Purchase, Maintenance, Replacement of Equipment/Supplies

1. The School Business Administrator/Board Secretary or designee will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.

Issued: 19 March 2025

R 7610 VANDALISM

A. Definitions

1. "Vandalism" means the willful and malicious acts of any person that result in the destruction, defacement, or damage of any property, real or personal, belonging to or entrusted to the Board of Education. Vandalism includes arson and acts of graffiti.

2. "Arson" means the willful and malicious burning or setting on fire of any building or part of any building owned or operated by the Board, by any person.

3. "Act of graffiti" means the drawing, painting, or making of any mark or inscription on school district real or personal property without the permission of the school district.

B. Reporting Vandalism

1. Any school employee who has reason to believe an act of vandalism has occurred shall immediately report that belief or suspicion to the Principal of the affected building or, if the vandalism occurs at a facility other than a school, the supervisor in charge of the facility.

2. The Principal or supervisor shall promptly institute an investigation of the report by taking these steps as appropriate to the extent and seriousness of the vandalism:

   a. Requesting the reporting employee to file a report of the evidence giving rise to their belief or suspicion that vandalism has occurred;

   b. Visiting the site of the vandalism and examining its extent, taking photographs as necessary;

   c. Determining and recording the names of witnesses, if any;

   d. Interviewing witnesses and requesting their written reports of events;

   e. Assessing the costs of repair and replacement of any parts of the building, furnishings, and/or equipment; and



f. Questioning the person(s), if any, identified as having caused the vandalism.

3. The Principal will complete and file with the Superintendent a detailed vandalism and property damage report.

4. The Principal will notify law enforcement when appropriate and in accordance with applicable laws.

C. Penalties and Restitution

1. A student who vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with Board Policy, Board Regulation, and law.

2. A student who vandalizes school property will be held liable for any damages caused by the act of vandalism.

3. The parent(s) of any minor who shall injure any public or nonpublic school property shall be liable for damages for the amount of the injury to be collected by the Board or the owner of the premises in any Court of competent jurisdiction, together with costs of suit in accordance with N.J.S.A. 18A:37-3.

a. The Principal or designee shall obtain a professional estimate of the cost of repairs and/or replacements necessitated by the vandalism.

b. The Principal or designee shall present the student's parent(s) with an itemized bill based on the estimated costs.

c. If, within thirty calendar days, the student's parent(s) has not paid the bill or made arrangements with the Principal or designee for the payment of the bill in periodic installments, the Superintendent shall inform the Board and may recommend the Board Attorney commence civil action for the amount due together with costs.

d. No diploma, transcript, transfer card, or report card will be issued to the student until all obligations to the Board have been met.

4. Any person who purposely defaces or damages school property with any symbol that exposes persons to violence, contempt, or hatred on the basis of

any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) may have committed a crime and shall be reported to the appropriate law enforcement agency in accordance with Policy and Regulation 8465; N.J.A.C. 6A:16-6.3; and the Memorandum of Agreement with Local Law Enforcement.

5. Any person who purposely or knowingly damages school district property recklessly or negligently in the employment of fire, explosives, or another dangerous means listed in accordance with N.J.S.A. 2C:17-2, or purposely or recklessly tampers with the tangible property of the school district so as to endanger school district property, will be reported to the appropriate law enforcement agency.

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

R 8000 OPERATIONS

Number	Title
R 8140	Enrollment Accounting (M)
R 8220	School Closings
R 8310	Public Records
R 8320	Personnel Records
R 8330	Pupil Records (M)
R 8420	Emergency and Non-Fire Evacuation Plan (M)
R 8420.1	Fire and Fire Drills (M)
R 8420.2	Bomb Threats (M)
R 8420.3	Natural Disasters and Man-made Catastrophes (M)
R 8420.4	Kidnapping (M)
R 8420.5	Asbestos Release (M)
R 8420.6	Accidents To and From School (M)
R 8420.7	Lockdown Procedures (M)
R 8420.10	Active Shooter
R 8431	Toxic Hazard Preparedness Program
R 8441	Care of Injured and Ill Persons (M)
R 8451	Control of Communicable Disease (M)
R 8461	Reporting Violence, Vandalism, Harassment, Intimidation, Bullying, Alcohol, and Other Drug Abuse (M)
R 8462	Reporting Potentially Missing or Abused Children (M)
R 8465	Bias Crimes and Bias-Related Acts (M)
R 8467	Weapons (M)
R 8468	Crisis Response
R 8600	Pupil Transportation
R 8630	Emergency School Bus Procedures (M)

R 8140 ENROLLMENT ACCOUNTING

A. School Enrollment

1. The school enrollment in a program of instruction, a school, or the district shall be the total number of original student entries in the school register plus the number of re-entries, less the number of transfers, withdrawals, or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals, or dropouts, in all programs of instruction and schools of the district shall constitute the school enrollment for the district during any school year.

2. A student attending a school operated by the Board of Education shall not be concurrently enrolled in more than one school register in any district during a school year with the exception of shared-time students.

3. A student shall not be enrolled in a school register until the student has reached over the age of five years in accordance with N.J.S.A. 18A:38-1 - Attendance at School Free of Charge. The district may enroll students under the following legal school ages:

   a. Kindergarten – older than four years and younger than six years;

   b. State-funded preschool program – at least three years of age and younger than five years; and

   c. Preschool students with disabilities – at least three years of age and younger than five years.

4. Within ten school days of the start of the school year, the district shall determine whether a student who attended the previous year but not the current school year has an excused absence or has transferred, withdrawn, or dropped out of the school district.

5. Any student enrolled in the district who moves to another school district in the same school year shall be included in the school register in the new school district upon enrollment.

6. The average daily enrollment in the district for a school year shall be the sum of the total days in membership of all enrolled students when schools

were in session during the year, divided by the number of days in session. The average daily enrollment for the programs of instruction or schools of the district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual programs of instruction or schools.

a. "Days in membership" means the number of school days in session in which a student is enrolled. A student's membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.

B. Application for State School Aid

Pursuant to the requirements of N.J.S.A. 18A:7F-33, the district shall file with the Commissioner of Education an Application for State School Aid in accordance with the following procedures:

1. Counting Procedure

a. Each employee responsible for the maintenance and safe keeping of a school register (and whose name appears on the cover of the register) shall conduct a count of the students entered in the register on the last school day prior to October 16.

b. The count shall include all students as required to be reported in accordance with the provisions of N.J.S.A. 18A:7F-33.

c. The count shall be recorded on a form, and the form shall be submitted to the School Business Administrator/Board Secretary or designee no later than October 16.

2. Data Collection

a. The Superintendent or designee shall assign responsibility for the preparation of worksheets to document the compilation of register data.

b. Completed worksheets shall be submitted to the School Business Administrator/Board Secretary or designee who shall compare the

data submitted on the worksheets to the register count submitted in accordance with B.1.a.

c. The School Business Administrator/Board Secretary or designee shall reconcile all inconsistencies between worksheet data and register counts and submit final enrollment counts to the Superintendent of Schools.

3. Application Submission

The School Business Administrator/Board Secretary or designee, with approval of the Superintendent, shall file with the Commissioner the report required by N.J.S.A. 18A:7F-33.

Issued: 15 February 2023

R 8220 SCHOOL CLOSINGS

The following procedures will govern the unscheduled closing of school for the entire school day, the delayed opening of school, and the early closing of school. No single set of rules can anticipate the problems that may be encountered when school must be closed, and the Building Principal may be required to exercise independent judgment in individual circumstances. Any consequent deviation from these rules should be reported promptly to the Superintendent.

A. Notification Provisions

1. Notice to television and radio stations shall be by telephone call, with appropriate code, to Channel 12.

2. Parent(s) or legal guardian(s) will be notified at the beginning of each school year that they will be notified of an emergency school closing day by means of announcements over the radio stations listed above. The notice will include the call numbers of each station, its location on the AM or FM band, and the time(s) at which the announcement will be carried. Parent(s) or legal guardian(s) will be cautioned not to attempt to telephone the radio station.

3. The Superintendent/Principal will prepare an electronic emergency call chain for the prompt notification of parent(s) or legal guardian(s) that children will be sent home early.

   a. The electronic call chain will list the telephone number of the parent or legal guardian of each child in the school. The chain will be reviewed and updated annually. Each parent(s) or legal guardian(s) is responsible for supplying his/her telephone number or other information that will permit the notification of a person responsible for the child.

   b. A copy of the complete parent call chain will be maintained by the school office and will be kept as a confidential document. An additional copy will be kept in the office of the Superintendent.

   c. Portions of the parent call chain will be released to volunteer callers as necessary for the integrity and efficient operation of the call chain process.

4. The Superintendent/Principal shall prepare an electronic emergency call chain for the prompt notification of all teaching staff members and support staff members who regularly report to that school.

a. The staff call chain will be reviewed and updated annually. Each staff member is responsible for supplying the telephone number at which he/she can be reached for notification of the closing or delayed opening of school.

b. A copy of the complete staff call chain will be maintained by the school office and will be kept as a confidential document.

c. Portions of the staff call chain will be released to staff members as necessary for the integrity and efficient operation of the call chain process.

5. The Administrative Assistant will prepare and administer a staff call chain for central office employees.

6. Each staff call chain should be so organized as to ensure that the first called are those staff members who live farthest from the school, office, or facility to which they regularly report.

B. All Day Closing

1. The decision to close school for the day will been made in accordance with Policy No. 8220 and no later than 7:30 a.m. As soon as the decision is made, the Superintendent/Principal will promptly notify:

a. Television station (see A1), and

b. Essex Fells Police Department.

2. The Superintendent/Principal and other person responsible for a call chain will promptly institute the process of notifying staff members of the closing by means of the staff call chain. Every effort should be made to notify staff members as soon as practicable.

3. Unless the Superintendent determines otherwise, custodial personnel are expected to report for work on an emergency closed day.

C. Delayed Opening

1. When circumstances are such as to require the late opening of school, the school day will ordinarily be delayed by two hours. All beginning schedules will be in effect, modified only by the two hour delay.

2. The decision to delay the opening of school will be made as soon as practicable. Notice of the delayed opening will be given in accordance with B.

3. Unless the Superintendent determines otherwise, custodial personnel are expected to report to work on time.

4. If weather conditions deteriorate after a delayed opening has been announced, the Superintendent may decide to close school for the day. This decision will be made as soon as practicable. Notice of the closing of school for the day will be given in accordance with B.

5. The Principal will modify the school's schedule to accommodate the shorter day. Morning schedules may be canceled. After-school and athletic events may be canceled.

6. Lunch will be served as usual, but may be delayed.

D. Early Dismissal

1. A decision to close school early will be promptly relayed to Essex Fells Police Department.

2. The Superintendent/Principal will promptly notify all staff members of the early closing, using appropriate building procedures.

3. Parent(s) or legal guardian(s) will be notified by the emergency call chain.

4. A parent(s) or legal guardian(s) may come to the school and sign out his/her child at any time after the decision to close early has been made. Any removal of a child must be in strict accordance with Policy No. 5230 regarding the person(s) to whom a child may be released.

5. The Principal will designate a safe and secure location in the school building to which may be assigned pupils whose parent or temporary caretaker could not be reached by telephone or other means.

   a. A teaching staff member will be assigned to supervise the pupils who remain in the school.

   b. Pupils who have remained in the school will be released at the time school regularly closes, by whatever means of transportation they would have taken were the school not closed early.

   c. The Principal may arrange for a late bus or transportation by private vehicle for pupils retained at the school.

Issued: 19 October 2011



R 8310 PUBLIC RECORDS

A. Definitions (N.J.S.A. 47:1A-1.1)

"Board" means the Essex Fells Board of Education, school staff, including members of the administration, and any persons acting on behalf of the Board of Education.

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality, or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality, or agency created by a political subdivision or combination of political subdivisions.

"Custodian of a government record" or "custodian" is the officer officially designated by formal action of the Board of Education.

B. Government Record or Record (N.J.S.A. 47:1A-1.1)

1. Any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business of the Board of Education or that has been received in the course of his or its official business of the Board of Education.

2. A "government record" or "record" does not include inter-agency or intra-agency advisory, consultative, or deliberative material.

3. A "government record" or "record" does not include excluded information as outlined in N.J.S.A. 47:1A-1.1. The excluded information includes, but is not limited to, the following information which is deemed to be confidential as per N.J.S.A. 47:1A-1 et seq.:

   a. Victims' records, except that a victim of a crime shall have access to the victim's own records;

b. Trade secrets and proprietary commercial or financial information obtained from any source. Trade secrets shall include data processing software obtained by the school under a licensing agreement which prohibits its disclosure;

c. Any record within the attorney-client privilege. This will not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

d. Administrative or technical information regarding computer hardware, software and networks that, if disclosed, would jeopardize computer security;

e. Emergency or security information or procedures for any building or facility that, if disclosed, would jeopardize security of the building or facility or persons therein;

f. Security measures and surveillance techniques that, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

g. Information that, if disclosed, would give an advantage to competitors or bidders;

h. Information generated by or on behalf of the Board or Board employees in connection with any sexual harassment complaint filed with the Board or with any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position;

i. Information that is a communication between the school and its insurance carrier, administrative service organization or risk management office;

j. Information that is to be kept confidential pursuant to court order;

k. That portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private

person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by Section 2 of P.L.1997, c. 188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or Federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor;

l. Personnel and pension records of an individual, including records relating to any grievance filed by or against an individual, except the individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, the amount and type of pension he/she receives, and data, other than detailed medical or psychological information, that shows conformity with qualifications for employment and pensions. Personnel or pension records of any individual shall be accessible when required to be disclosed by law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest;

m. Test questions, scoring keys, and other examination data pertaining to the administration of an examination for employment or academic examination;

n. Information concerning pupil records or grievance or disciplinary proceedings against a pupil to the extent disclosure would reveal the identity of the pupil; and

o. All other information listed as being confidential and not a government record as defined in N.J.S.A. 47:1A-1.1.

C. Records of Investigation In Progress (N.J.S.A. 47:1A-3)

1. Notwithstanding the provisions of N.J.S.A 47:1A:1 et seq., where it appears the record or records which are sought to be inspected, copied, or examined shall pertain to an investigation in progress by the Board and/or administration:

a. The right to inspection, copying and/or examination may be denied if the inspection, copying or publication of such record or records will be inimical/detrimental to the public interest. This provision will not be construed to prohibit the Board and/or custodian from opening such record or records if not otherwise prohibited by law or to prohibit access to a record that was open for public inspection, examination, or copying before the investigation commenced; and

b. If the Board, during the course of an investigation, obtains from another public agency a government record that was open for public inspection, examination or copying before the investigation commenced, the Board will provide the other agency with sufficient access to the record to allow the other agency to comply with requests made pursuant to N.J.S.A. 47:1A-1 et seq.

2. Notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq., the information concerning a criminal investigation will be available to the public in accordance with N.J.S.A. 47:1A-3.b.

D. Inspection, Examination and Copying (N.J.S.A. 47:1A-5 et seq.)

1. The custodian will permit the government record to be inspected, examined, and copied by any person during regular business hours. In the case of a Board of Education having a total school enrollment of 500 or fewer, the custodian will permit the records to be inspected, examined and copied during not less than six regular business hours over not less than three business days per week or the entity's regularly-scheduled business hours, whichever is less, unless the government record is exempt from public access as per N.J.S.A. 47:1A-5.a.

2. Prior to allowing access to any government record, the custodian will redact from that record any information which discloses the social security number, credit card number, unlisted telephone number, or driver license number of any person, except:

a. If the record is being used by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support;

b. With respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by section 2 of P.L.1997, c. 188 (C.39:2-3.4);

c. That a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or Federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor; and

d. Where an agency can demonstrate an emergent need, a regulation that limits access to government records shall not be retroactive in effect or applied to deny a request for access to a government record that is pending before the agency, the council or a court at the time of the adoption of the regulation.

E. Copy Purchase (N.J.S.A. 47:1A-5 et seq.)

1. The custodian shall charge the requestor a fee for a copy or copies of a government record in accordance with the provisions of N.J.S.A. 47:1A-5.b. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be $.05 per letter size page or smaller, and $.07 per legal size page or larger.

a. If the school can demonstrate that its actual costs for duplication of a government record exceed the per page rates, the school shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or overhead expenses associated with making the copy except as provided for in N.J.S.A. 47:1A-5.c. and E.2. below.

b. The calculation of actual costs shall be as follows:

(1) The custodian should contact the school's supplier(s) to determine the cost of paper and toner. A supplier is wherever the school obtains copying materials such as paper and toner.

(2) The custodian should calculate or contact the copying company to determine the school's annual school year copying volume. This volume shall not only include copies pertaining to OPRA requests, but shall include all copying on all copy machines in the school for all purposes.

(3) The custodian should contact the copying company to determine the average paper life of one toner/ink cartridge (i.e. how many pieces of paper the ink or toner should be able to copy).

(4) The custodian shall maintain documentation of all information provided by the copying company or office supplier (i.e. contracts or correspondence from purchasing agent or copying company) regarding this calculation.

(5) The actual calculation is the total cost of paper purchased for one school year plus the total cost of toner purchased for one school year divided by the annual copying volume. This calculation can be averaged for all copy machines in the school that produce letter and legal copies.

(6) Actual copy costs for special copies, such as color printing or blueprints copied within the school, shall be calculated separately.

c. If the school's calculated per copy actual cost exceeds the enumerated rates set forth in N.J.S.A. 47:1A-5.b. and E.1. above, the school, if challenged, must demonstrate its actual costs are indeed higher than those enumerated rates and are therefore justified.

d. Access to electronic records and non-printed materials shall be provided free of charge, but the school may charge for the actual costs of any needed supplies such as computer discs.

2. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this Regulation is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the school will charge, in addition to the actual cost of duplicating the record, a special service charge that will be reasonable and will be based upon the actual direct cost of providing the copy or copies. The custodian will provide the requestor an opportunity to review and object to the charge prior to it being incurred.

3. A custodian shall permit access to a government record and provide a copy thereof in the medium requested if the school maintains the record in that medium. If the

school does not maintain the record in the medium requested, the custodian will either convert the record to the medium requested or provide a copy in some other meaningful medium.

4. If a request is for a record in a medium not routinely used by the school; not routinely developed or maintained by the school or requiring a substantial amount of manipulation or programming of information technology, the school will charge, in addition to the actual cost of duplication, a special charge that will be reasonable and based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the school or attributable to the school for the programming, clerical, and supervisory assistance required, or both.

5. Immediate access ordinarily will be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information.

6. The custodian will adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form will provide:

   a. Space for the name, address, and phone number of the requestor and a brief description of the government record sought;

   b. Space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged;

   c. Specific directions and procedures for requesting a record;

   d. A statement as to whether prepayment of fees or a deposit is required;

   e. The time period within which the school is required by N.J.S.A. 47:1A-1 et seq. to make the record available;

   f. A statement of the requestor's right to challenge a decision to deny access and the procedure for filing an appeal;

   g. Space for the custodian to list reasons if a request is denied in whole or in part;

   h. Space for the requestor to sign and date the form; and

i. Space for the custodian to sign and date the form if the request is fulfilled or denied.

7. The custodian will require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of $5.00 to reproduce.

8. Request for access to a government record shall be in writing and hand-delivered or mailed to the custodian.

9. The custodian will promptly comply with a request to inspect, examine, copy, or provide a copy of a government record.

10. If the custodian is unable to comply with a request for access, the custodian will indicate the specific basis therefore on the request form and promptly return it to the requestor.

11. The custodian will sign and date the form and provide the requestor with a copy thereof.

12. If the custodian asserts that part of a particular record is exempt from public access pursuant to N.J.S.A. 47:1A-1 et seq. the custodian will delete or excise from a copy of the record that portion which the custodian asserts is exempt from access and shall promptly permit access to the remainder of the record.

13. If the government record requested is temporarily unavailable because it is in use or in storage, the custodian will advise the requestor and will make arrangements to promptly make available a copy of the record.

14. If a request for access to a government record would substantially disrupt school operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the school.

15. Any officer or employee of the school who receives a request for access to a government record will forward the request to the custodian of the record or direct the requestor to the custodian of the record.

16. Unless a shorter time period is otherwise provided by statute, regulation, or executive order, the custodian will grant access to a government record or deny a request for access to a government record as soon as possible, but not later than

seven business days after receiving the request, provided that the record is currently available and not in storage or archived.

a. In the event the custodian fails to respond within seven business days after receiving a request, the failure to respond will be deemed a denial of the request, unless the requestor has elected not to provide a name, address or telephone number, or other means of contacting the requestor.

b. If the requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the custodian will not be required to respond until the requestor reappears before the custodian seeking a response to the original request.

c. If the government record is in storage or archived, the requestor will be so advised within seven business days after the custodian receives the request. The requestor will be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.

17. A custodian will post prominently in public view in the part or parts of the office or offices of the custodian that are open to or frequented by the public a statement that sets forth in clear, concise and specific terms the right to appeal a denial of, or failure to provide, access to a government record by any person for inspection, examination, or copying or for purchase of copies thereof and the procedure by which an appeal may be filed.

F. Challenge to Access Upon Denial (N.J.S.A. 47:1A-6)

1. A person who is denied access to a government record by the custodian, at the option of the requestor, may:

a. Institute a proceeding to challenge the custodian's decision by filing an action in Superior Court; or

b. In lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to section 8 of P.L.2001, c. 404 (C.47:1A-7).

2. The right to institute any proceeding under N.J.S.A. 47:1A-6 will be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The Board will have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the

court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

G. Government Records Council (N.J.S.A. 47:1A-7)

The Board and the custodian of records will comply with the requirements and guidelines from the Government Records Council in accordance with N.J.S.A. 47:1A-7.

H. Common Right Law Right of Access (N.J.S.A. 47:1A-8)

Nothing contained in N.J.S.A. 47:1A-1 et seq. shall be construed as limiting the common law right of access to a government record, including criminal investigative records of a law enforcement agency.

I. Construction with Other Laws (N.J.S.A. 47-1A-9 et seq.)

1. The provisions of this Regulation and N.J.S.A. 47:1A-1 et seq. shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to N.J.S.A. 47:1A-1 et seq.; any other statute; resolution of either or both Houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any Federal law; Federal regulation; or Federal order.

2. The provisions of this Regulation and N.J.S.A. 47:1A-1 et seq. shall not abrogate or erode any executive or legislative privilege or grant of confidentiality heretofore established or recognized by the Constitution of this State, statute, court rule or judicial case law, which privilege or grant of confidentiality may duly be claimed to restrict public access to a public record or government record.

Issued: 19 October 2011

R 8320 PERSONNEL RECORDS

A. Content of Record

1. A personnel file shall be assembled and maintained for each person employed by this district. Each file shall contain the original or copies, as appropriate, of the following documents regarding the employee:

   a. The employee's current correct name, address, telephone number, and birthdate;

   b. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;

   c. Annual employment contract and/or annual salary notice, signed by the employee;

   d. Certificates and/or licenses required for employment;

   e. Documentation of fulfillment of requirements for any change in salary classification;

   f. Income tax forms;

   g. Retirement registration;

   h. Hospitalization forms;

   i. Annuity forms;

   j. Rate of compensation;

   k. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;

   l. Assignment to positions, including position title and building to which assigned;

   m. Completed evaluations;

   n. Reports of disciplinary incidents;

   o. Records of special awards, commendations, or distinctions;

   p. Oath of allegiance;

q. Reports of routine physical examinations; and

r. Reports of physical and mental examinations required for cause.

2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.

3. The content of personnel files will be reviewed annually and material no longer required will be destroyed.

B. Custodian of Personnel Records

1. The Superintendent is custodian of all personnel records.

2. Personnel records shall be maintained in the office of the Superintendent, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.

C. Notice of Content of Files

1. Each employee shall be informed of the content of his/her personnel file.

2. Each employee will be notified of the inclusion in his/her file of any document that was not received from the employee or at the direction of the employee.

a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.

b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.

c. No report or letter or memorandum from any source, other than documents referred to in C2b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.

D. Employee Access to Personnel Records

1. Each employee shall be granted access to his/her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative.

2. Written request for access shall be submitted to the Superintendent. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept.

3. The employee shall review the record in the presence of the Superintendent or designee and, at the employee's request, a representative of the employee.

4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his/her comment on that document.

5. The employee may handcopy any portion of his/her file and may receive photocopies of records on payment of the copying fees established for copies of public records.

E. Appeal of Content of the File

1. The employee may appeal to the Superintendent the exclusion or inclusion of any portion of his/her personnel file or the accuracy of any information in the file.

2. An appeal must be made in writing on a form available in the office of the Superintendent.

3. The Superintendent shall render a decision on the appeal as soon as possible, but not later than ten working days from the time the written appeal is submitted. The Superintendent's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.

4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Superintendent's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.

F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.

2. Personnel files may be inspected by Board members when such inspection relates to the Superintendent's recommendation of a candidate for employment, promotion, transfer, dismissal, or discipline.

3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

G. Computerized Records

1. Computerized personnel records may include only the following information about an employee:

   a. Name, address, and telephone number;

   b. Social security number;

   c. Current assignment;

   d. Work experience;

   e. Employment date; and

   f. Salary guide and step.

2. Computerized information may be used only for the following purposes:

   a. Payroll;

   b. An employee's individual employment record; and

   c. Studies, reports, or surveys conducted by the district or a governmental agency and authorized by the Superintendent, provided that such studies, reports, or surveys do not identify specific employees.

Issued: 19 October 2011



R 8330 PUPIL RECORDS

A. Definitions (N.J.A.C. 6A:32-2.1)

1. "Access" means the right to view, make notes, and/or reproduce a student record.

2. "Adult student" means a person who is at least eighteen years of age or is an emancipated minor.

3. "Days in membership" means the number of school days in session in which a student is enrolled. A student's membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.

4. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or the individual's physician.

5. "Mandated student records" means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.

6. "Parent" means the natural or adoptive parent, legal guardian, surrogate parent appointed pursuant to N.J.A.C. 6A:14-2.2, or a person acting in place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights pursuant to N.J.A.C. 6A:32. In addition, a resource family parent may act as a parent pursuant to the provisions of N.J.A.C. 6A:32 if the parent's authority to make educational decisions on the student's behalf has been terminated by a court of appropriate jurisdiction.

7. "Permitted student records" means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected to promote the educational welfare of students.

8. "Personally identifiable information" means, but is not limited to:

a. The student's name;

b. The name of the student's parent(s) or other family members;

c. The address of the student or the student's family;

d. The email address of the student, the student's parent(s), or other family members;

e. The telephone number of the student, the student's parent(s), or other family members;

f. A personal identifier, such as the student's Social Security number, student number, or biometric record;

g. A photo of the student;

h. The location and times of class trips;

i. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

j. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or

k. Information requested by a person who the district, or private agency that provides educational services by means of public funds, reasonably believes knows the identity of the student to whom the student record relates.

9. "Physical examination" means the assessment of an individual's health, in accordance with the requirements at N.J.A.C. 6A:16-2.2.

10. "School contact directory for official use" means a compilation by a district that includes the following information for each student: name, address, telephone number, date of birth, and school of enrollment. The directory may be provided for official use only to judicial, law enforcement, and medical personnel.

11. "Student discipline record" means information regarding all disciplinary actions taken against a student by a school district pursuant to N.J.S.A. 18A:36-25.1.b. and that is maintained in a student's record.

12. "Student information directory" means a publication of the Board that includes information relating to a student. It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. The information shall be the student's: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information.

13. "Student record" means information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party is excluded from this definition. In the absence of any "information related to an individual student," the document(s) no longer meets the definition of "student record."

B. General Considerations (N.J.A.C. 6A:32-7.1)

1. The Board shall compile and maintain student records and regulate access in accordance with the Federal Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and 34 CFR Part 99, disclosure, or communication of information contained in student records in a manner that assures the security of the records in accordance with the provisions of N.J.A.C. 6A:32-7.

2. Student records shall contain only information that is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.

3. The district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student

records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and

Board policies shall be made available upon request. The Board shall make every effort to notify parents and adult students in their dominant language.

4. Nonadult students may assert rights of access only through their parent(s). However, nothing in N.J.A.C. 6A:32-7 or in Policy 8330 or this Regulation shall be construed to prohibit certified school personnel from disclosing, at their discretion, student records to nonadult students or to appropriate persons in connection with an emergency, if the information contained in the record is necessary to protect the health or safety of the student or other persons.

5. The parent or adult student shall have access to the student's records and have access to, or be specifically informed about, only the portion of another student's record that contains information about the student.

6. All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.

7. The Superintendent or designee shall require all student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the information contained therein. The reviewer shall cause information no longer descriptive of the student or educational program to be deleted from the records, except that prior notice shall be given for students with disabilities in accordance with N.J.A.C. 6A:14, Special Education. The deleted information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.

8. No liability shall be attached to any member, officer, or employee of the Board permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.

9. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the school district shall provide interpretation of the student records in the dominant language of the parent or adult student.

10. Student health records shall be maintained separately from other student records. Student health records also shall be maintained according to the requirements of N.J.A.C. 6A:32-7 until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

C. School Contact Directory for Official Use (N.J.A.C. 6A:32-7.2)

1. The Board shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.

2. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about the student that is contained in the school contact directory for official use.

3. A parent, adult student, or emancipated minor shall notify, in writing, the Superintendent or designee of their request to exclude any information from the school contact directory for official use.

D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)

1. Mandated student records shall include the following:

a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, record of daily attendance, classes attended, grade level completed, year completed, and years of attendance;

b. Descriptions of the student's progress according to the Board's student performance data;

c. History and status of physical health compiled in accordance with State regulations, including immunizations and results of any physical examination(s) given by qualified district employees;

d. Records pursuant to rules and regulations regarding the education of students with disabilities; and

e. All other records required by N.J.A.C. 6A.

2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy 8330 and this Regulation. These records may include, but are not limited to:

   a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;

   b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;

   c. Educationally relevant information provided by the parent or adult student;

   d. Any correspondence with the student and/or the student's parents;

   e. Driver education certificate;

   f. Emergency notification form;

   g. New student registration form;

   h. Withdrawal or transfer form;

   i. Change of schedule form;

   j. Records of the student's co-curricular and athletic activities and achievements;

   k. Class rank;

   l. Awards and honors;

   m. Notations of additional records maintained in a separate file;

n. The statement from a student's parent, adult student, or emancipated minor regarding a contested portion of the record;

o. Entries indicating review of the file by an authorized person;

p. _____;

q. _____;

r. _____; and

s. _____.

E. Maintenance and Security of Student Records (N.J.A.C. 6A:32-7.4)

1. The Superintendent or designee shall be responsible for the security of student records maintained in the district and shall devise procedures/regulations for assuring that access to student records is limited to authorized persons.

2. The Board may store all student records either electronically or in paper format.

a. When student records are stored electronically, proper security and backup procedures shall be administered.

3. Student health records, whether stored on paper or electronically, shall be maintained in accordance with N.J.A.C. 6A:32-7.1(l).

4. Records shall be accessible during the hours in which the school program is in operation.

5. Mandated student records required as part of programs established through State-administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after a student's graduation or termination from the district, or to age twenty-three, whichever is longer. The mandated student records shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.

6. Any district or school website shall not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.

F. Access to Student Records (N.J.A.C. 6A:32-7.5)

1. Only authorized organizations, agencies, or persons, as defined in N.J.A.C. 6A:32-7.5, shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1(g) within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

2. The district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth at N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.

3. The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or as stated in N.J.A.C. 6A:32-7.5(e) and F.5. below.

4. Access to, and disclosure of, a student health record shall meet the requirements of FERPA, 20 U.S.C. §1232g, and 34 CFR Part 99.

5. Organizations, agencies, and persons authorized to access student records shall include only the following:

a. The student who has written permission of a parent and the parent of a student under the age of eighteen, regardless of whether the child resides with the parent, except pursuant to N.J.S.A. 9:2-4;

(1) The place of residence shall not be disclosed; and

(2) Access shall not be provided if denied by a court;

b. Students at least sixteen years of age who are terminating their education in the district because they will graduate secondary school at the end of the term or no longer plan to continue their education;

c. An adult student and/or a parent who has the written permission of an adult student, except that the parent shall have access without the adult student's consent, as long as the adult student is financially dependent on the parent and enrolled in the public school system, or if the adult student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of a financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the adult student's consent;

d. Certified school district personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;

e. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record, except under conditions permitted at N.J.A.C. 6A:16-2.4:

(1) An approved private school for students with disabilities;

(2) A State facility;

(3) Accredited nonpublic schools in which students with disabilities have been placed pursuant to N.J.S.A. 18A:46-14; or

(4) Clinics and agencies approved by the New Jersey Department of Education;

f. To fulfill its legal responsibility, the Board shall have access through the Superintendent or designee to information contained in the student's record. Information shall be discussed in executive session, unless otherwise requested by the parent or adult student;

g. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and

the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;

h. Accrediting organizations to carry out their accrediting functions;

i. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;

j. Officials of other Boards of Education within the State or other educational agencies or institutions where the student is placed, registered, or seeks to enroll, subject to the following conditions:

(1) Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving district, agency, or institution with written notification to the parent or adult student;

(2) Original mandated student records that the Board has required shall be forwarded to the receiving district, agency, or institution only with the written consent of the

parent or adult student, except where a formal sending-receiving relationship exists between the districts;

(3) All records to be forwarded, including disciplinary records as specified at N.J.S.A. 18A:36-19a., shall be sent to the Superintendent of the school district to which the student has transferred, or the Superintendent's designee, within ten school days after the transfer has been verified by the requesting district;

(4) The Superintendent or designee shall request, in writing, all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;



(5) Upon request, the Superintendent or designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and

(6) Proper identification, such as a certified copy of the student's birth certificate or other proof of the student's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district;

k. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;

l. Officers and employees of a State agency responsible for protective and investigative services for students pursuant to N.J.S.A. 9:6-8.40. Whenever appropriate, the Board shall ask the State agency for its cooperation in sharing the findings of an investigation;

m. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. §1232g(b)(1)(L);

n. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;

o. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order; and

p. Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Prior to the release of records to a researcher, the Superintendent or designee, shall receive from the researcher written assurance that the records will be used under strict conditions of anonymity and confidentiality.

6. Nothing in N.J.A.C. 6A:32-7, Policy 8330, and this Regulation shall be construed to prohibit school personnel from disclosing information contained

in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

7. In complying with N.J.A.C. 6A:32-7, Policy 8330, and this Regulation, the Board shall adhere to the requirements pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and FERPA, 20 U.S.C. §1232g; 34 CFR Part 99.

   a. When responding to OPRA requests from any party, including parties other than those listed in N.J.A.C. 6A:32-7.5(e) and F.5. above, the Board may release, without consent, records removed of all personally identifiable information, as such documents do not meet the definition of a student record. Before making any release, the Board shall have made a reasonable decision that a student's identity cannot be determined whether through single or multiple releases, or when added to other reasonably available information.

G. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)

1. All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7 as listed below shall have access to a student record, subject to the following conditions:

   a. No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.

   b. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the Superintendent or designee, the request in writing, together with any required authorization.

   c. The Superintendent or designee shall be present during the period of inspection to provide interpretation of the records, where necessary, and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student(s), or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student record of the name(s) of persons granted access, the reason

access was granted, the time and circumstances of inspection, the records inspected, and the purposes for which the data will be used.

d. Prior to disclosure of student records to organizations, agencies, or persons outside the district pursuant to a court order, the Superintendent or designee shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. The notification shall be provided in writing, if practicable. Only records related to the specific purpose of the court order shall be disclosed.

(1) Notice to the parent shall not be required when the parent is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. §1232g(b)(2)(B).

e. A record may be withheld from a parent or from an adult student only when the district obtains a court order or is provided with

evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court shall be withheld. When the district has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of the request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.

H. Rights of Appeal for Parents and Adult Students (N.J.A.C. 6A:32-7.7)

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may request:

a. Expungement of inaccurate, irrelevant, or otherwise improper information from the student record;

b. Insertion of additional data, as well as reasonable comments regarding the meaning and/or accuracy of the student record;

c. The immediate stay of disclosure pending final determination of the challenged procedure as described in N.J.A.C. 6A:32-7; and/or

d. Immediate access to student records for organizations, agencies, and persons denied access, pending final determination of the challenged procedure, as described in N.J.A.C. 6A:32-7.

2. To request a change in the student record or to request a stay of disclosure pending final determination of the challenged procedure, a parent or adult student shall notify, in writing, the Superintendent of the specific issues relating to the student record.

a. Within ten school days of notification, the Superintendent or designee shall notify the parent or adult student of the district's decision. If the district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to resolve the issues set forth in the request.

b. If the matter is not satisfactorily resolved, the parent or adult student has ten school days to appeal the district's decision.

c. If an appeal is made to the Board, the Board shall render a decision within twenty school days.

d. The decision of the Board may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue.

e. A record of the appeal proceedings and outcome shall be made a part of the student record with copies made available to the parent or adult student.

3. Appeals relating to student records of students with disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b) and I.2. above.

4. Regardless of the outcome of an appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for contesting a portion of the student record, including the decision made in the appeal. The



parent's or adult student's statement shall be maintained as part of the student record, as long as the contested portion of the student record is maintained. If the contested portion of the student record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

I. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)

1. A student record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the district.

   a. The Board shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

2. Student records of currently enrolled students, other than the records described at N.J.A.C. 6A:32-7.8(f) and I.5. below, may be disposed of after the information is no longer necessary to provide educational services to a student. The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have been unsuccessful.

3. Upon graduation or permanent departure of a student from the district:

   a. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.

   b. Information in student records, other than that described at N.J.A.C. 6A:32-7.8(f) and I.5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of the Treasury.

4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

5. The district of last enrollment, graduation, or permanent departure of the student from the district shall keep, for one hundred years, a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Issued: 15 February 2023

R 8420 EMERGENCY AND NON-FIRE EVACUATION PLAN

The need for orderly and safe evacuation during certain situations is critical to the safety of the occupants of a school building. If such a threat is deemed immediate, credible, and reasonable, the Principal or designee may order a non-fire building evacuation. In the event the Principal or designee believes a threat does not exist or immediate evacuation is not required, the Principal or designee shall review the situation with the Superintendent, who may consult with local law enforcement officials to review the threat risk.

A. Procedures in the Event it is Determined a Non-Fire Evacuation is Warranted

1. The Principal or designee will immediately order a non-fire evacuation of the school building. The notification process may be the school's fire alarm system, a notice over the school's public address system, or any other method deemed appropriate by the Principal or designee to inform building occupants to evacuate the school building. The evacuation may be an entire or partial building evacuation depending on the circumstances.

2. The Principal or designee will:

   a. Immediately call local law enforcement officials;

   b. Immediately call the Superintendent;

   c. Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;

   d. Notify and maintain contact with the Superintendent regarding the communication to be released to parents, community and media; and

   e. Allow local enforcement officials to control the scene upon their arrival.

3. School staff members, upon receiving notice the school needs to be evacuated, will:

   a. Direct pupils to gather personal belongings in the classroom or within their immediate area;

   b. Instruct pupils not to use any electronic communication device until instructed otherwise;

c. Close the windows and doors of their vacated rooms and turn off any light or electrical switch;

d. Take the pupil roster and the day's attendance;

e. Lead their class or the pupils under their supervision upon receiving the evacuation notice to the evacuation area;

f. Take attendance when arriving at the evacuation area and report any additional pupils or missing pupils to the Principal or designee;

g. Not allow any pupil to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Principal or designee or law enforcement officials; and

h. Not speak to the media or permit media to interview any pupil.

B. Procedures After it is Determined the School Building Can be Reoccupied

1. The Principal or designee, upon a determination by school and law enforcement officials that the threat or risk is concluded, will direct the reoccupation of the building.

2. If it is determined the building is not safe to re-enter, the Principal or designee will notify school officials of the situation at the evacuation assembly locations. If it is determined pupils will be released for the day, the Principal or designee, in consultation with the Superintendent, will coordinate pupil dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.

3. The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 19 October 2011

R 8420.1 FIRE AND FIRE DRILLS

A. Fire Drills

1. The Principal of each school building will conduct at least one fire drill each month within school hours, including any summer months during which the school is open for instructional programs. The Principal shall require all teachers to keep all doors and exits of their respective rooms and buildings unlocked during school hours. Where school buildings have been provided with fire escapes, they shall be used by a part or all of the students performing every fire drill.

   Attempts should be made to conduct drills in various weather conditions and at various times of the school day. Fire drills should be unannounced to school staff and students. The Principal shall inform local firefighting officials whenever a fire alarm is for drill purposes.

   An actual fire that occurs at a school building during the month and includes activities which are the equivalent of a drill shall be considered a drill for the purposes of meeting the requirements of this Regulation and N.J.S.A. 18A:41-1.

2. The fire alarm shall be by a building-wide audible signal. Alarm signals should be tested regularly.

3. When the fire alarm rings, each staff member supervising students will:

   a. Direct students to form into a single file line and proceed along the evacuation route to the nearest exit designated for evacuation;

   b. Close the windows of the room and turn off all lights and audio-visual equipment;

   c. Take the class register or roll book;

   d. Ascertain that all students have left the room and that any student who may have left the classroom prior to the fire drill is located and escorted from the building;

e. Close all doors to the room when the room is empty and keep all doors and exits of their respective rooms and buildings unlocked;

f. Ensure their assigned students have left the school along the route prescribed in the school evacuation plan. In the event a school building has been provided with fire escapes, they shall be used by a part or all of the students performing every fire drill;

g. Direct students to a location not less than a distance twice the height of the building walls and keep the students in a single file line facing the building;

h. Take attendance to determine all students who reported to class have been evacuated from the building and report immediately to the Principal any student who is unaccounted for; and

i. When the recall signal is given, conduct students back to the classroom.

4. Evacuation of the school in a fire drill must be conducted quickly and quietly and in an orderly fashion. Students must be silent, refrain from talking and running, and remain in closed, single file lines. Any student or staff member whose behavior disrupts the conduct of the fire drill shall be reported to the Principal and will be subject to discipline.

5. All persons in the school must leave the building during a fire drill, including all aides, visitors, volunteer workers, and all office, cafeteria, custodial, and maintenance employees, except those employees who have been assigned specific duties to be performed in the school building during a fire drill.

6. Physical education classes in progress outside the building should stop the game activity and line up in place or in their regularly assigned drill position.

7. Students will be instructed not to gather belongings to take outside on the fire drill. In inclement or cold weather, students may pick up their coats and put them on as they exit the building, provided no time is lost in that activity.

8. The office employee responsible for keeping the central attendance register, or a designated substitute, must carry the register out of the building during the drill.

9. Each Principal shall report monthly to the Superintendent on the conduct of fire drills. Their report will include the date, weather conditions, and time to evacuate for each drill conducted, as well as any comments that could assist in improving the conduct of future drills.

10. Every fire drill will be conducted with seriousness and with the assumption that prompt evacuation is actually required for the safety and survival of persons in the school.

11. Principals are encouraged to change the circumstances of fire drills so that staff members and students are subjected to various conditions and learn to respond to them quickly, constructively, and safely. Any such variations should take into account the ages and abilities of children.

    a. One or more exits may be designated as "blocked" so that students are required to use alternative evacuation routes.

    b. A fire drill may be designated as a "smoke drill" so that students learn to avoid the hazards of smoke by walking in a low or crouching position (not a crawling position).

B. Fire

1. A school staff member or any building occupant who detects a fire in a school building or on school grounds shall immediately report the fire by calling 911 and/or by activating a fire alarm pull station in accordance with law.

2. The school staff member or building occupant shall also report the fire to the school Principal, if possible.

3. In the event of a fire in a school building, the school Principal shall immediately sound the fire alarm, in the event the fire alarm had not been previously activated, for the evacuation of all students, staff members, visitors, and volunteers.

4. Evacuation shall be conducted in accordance with the fire drill procedures established in A. above, except that no employee may remain in the building to perform specific duties.

5. As a precaution, the Principal or designee will maintain a record of disabled students who may require special attention in the event of fire or other evacuation. Fire fighters will be promptly informed of the location and special circumstances of each such student.

6. As soon as practicable after the incident, the Principal shall submit a report to the Superintendent on the appropriate form.

7. The school district shall immediately notify the appropriate local fire department of any fire which occurs in a school building or on school property in accordance with N.J.S.A. 18A:41-5.

C. Fire and Smoke Doors

Every Principal and custodian/janitor in each school building in the district which has a furnace room, hallway, or stair-tower fire or smoke doors shall keep them closed during the time the school building is occupied by teachers and students pursuant to N.J.S.A. 18A:41-2.

Adopted: 1 December 2021

R 8420.2 BOMB THREATS

A bomb threat consists of a message regardless of the source or form or truth of the message, that someone has placed or intends to place in the school an explosive device or any material that will cause significant harm to persons in the school or damage to school property. The procedures to be enacted when a bomb threat is received shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.

Adopted: 15 February 2023

R 8420.3 NATURAL DISASTERS AND MAN-MADE CATASTROPHES

A. Definitions

1. "Natural disasters" include floods, hurricanes, earthquakes, lightning strikes.

2. "Man-made catastrophes" include explosions, toxic hazards, airplane accidents, nuclear accidents, attacks.

B. Procedures

1. The Principal is responsible for responding quickly and reasonably to all natural disasters and man-made catastrophes. The Principal's primarily goal in any emergency is the protection of the pupils and staff members assigned to his/her building.

2. The Principal shall cooperate with local law enforcement officers, civil defense agencies, and other appropriate authorities.

3. All reasonable efforts will be made to predict or anticipate the occurrence of a natural disaster or manmade catastrophe and to take such steps in advance as may be necessary to protect pupils and staff and, if possible, school property.

4. Any school employee who detects or suspects a natural disaster or man-made catastrophe shall immediately notify the Principal, who shall immediately evaluate and/or verify the report. The Principal shall report an impending disaster or catastrophe to the Superintendent and the appropriate police or civil authority.

5. If necessary and prudent, the school will be evacuated in accordance with the fire drills procedures set forth in Regulation No. 8420.1. The alarm for a disaster or catastrophe will be a building designated signal.

6. Until their pupils are sent home or they are otherwise excused from their duties, classroom teachers will attend to the needs of the pupils assigned to them. Other teaching staff members and support staff members will report to the Principal or their immediate supervisor for direction. The following personnel should be prepared to take the actions indicated at the direction of the Principal.

a. The school nurse will set up a station for the treatment of injuries and caring for injured and shocked persons until transportation to hospital facilities is available.

b. The head custodian will survey the damage, if any, done to essential school building services, such as electrical, gas, water, and fuel. He/She will report any such damage to the Principal along with any recommendations for repair or substitution.

c. The cafeteria manager will assess food and water inventories and establish procedures for supplying such food and water as may be required by persons in the school or the school shelter.

7. If the school cannot or should not be re-entered, parents will be notified and pupils will be sent home as follows:

   a. Pupils who ordinarily walk to school will be excused,

   b. Pupils who ride school buses will be excused as soon as bus transportation is available,

   c. The Principal may arrange for private vehicle transportation.

8. Pupils who cannot be sent home safely shall be sheltered in a safe place in the school or in the place designated for out-of-school shelter in the school evacuation plan. A teaching staff member will be assigned to supervise any such pupils until they can be transferred to the parent or responsible adult designated by the parent.

9. Parent(s) or legal guardian(s) will be informed of the school's response to the disaster or catastrophe by implementation of the parent call chain established pursuant to Regulation No. 8420. Reasonable efforts will be made to inform parent(s) or legal guardian(s) promptly of the nature of the emergency and to assure them of their children's safety.

10. The Principal, other administrators, and all school staff members will strive to discharge their responsibilities calmly, intelligently, and prudently.

11. The Superintendent/Principal will make a written report to the Board of Education on the nature of the emergency, the actions taken in response to the emergency, and the outcome of those actions. The report will detail, as necessary, the actions of

specific staff members and make such recommendations for commendation or discipline as may be appropriate.

Adopted: 19 October 2011

R 8420.4 KIDNAPPING

A. Definition

1. A person is a victim of kidnapping:

   a. When a person is unlawfully removed from the school or school grounds; or

   b. When a person is unlawfully confined with the purpose of holding the victim for ransom, reward, as a shield, or hostage; or

   c. When a person is unlawfully removed from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or

   d. When a person is unlawfully confined for a substantial period of time with any of the following purposes:

      (1) To facilitate commission of a crime or flight thereafter, or

      (2) To inflict bodily injury on or terrorize the victim.

B. Procedures

1. The following procedures shall be implemented in the event there is reason to believe a pupil has been kidnapped. The Building Principal or designee will:

   a. Immediately notify the Superintendent;

   b. Check school records to determine whether there is a legal custody issue;

   c. Contact the pupil's parent(s) or legal guardian(s); and

   d. Notify the local law enforcement agency.

   The Building Principal or designee will be prepared to provide law enforcement authorities information about the pupil (to the extent possible) including: a physical description of the pupil; any photograph of

the pupil; information regarding known friends of the pupil; the names of any potential witnesses to an abduction; a description of an abductor; and other information that may be helpful to law enforcement in locating the pupil.

2. The Building Principal or designee will alert school staff to the possible kidnapping and solicit staff assistance in obtaining information that may be helpful to law enforcement in locating the pupil.

3. The administrative staff will encourage all staff members remain calm to prevent panic.

Adopted: 19 October 2011



R 8420.5 ASBESTOS RELEASE

The Board of Education recognizes the building may contain asbestos. The Board and school staff members have implemented the necessary safety measures to eliminate the possibility of asbestos fiber release episodes to ensure the safety of all building occupants. The district maintains an Asbestos Management Plan as required by the Asbestos Hazard Emergency Response Act (AHERA). The following procedures shall be implemented in the event of an inadvertent disturbance that causes an asbestos fiber release episode in a school district building.

Procedures

1. The area where the fiber release may have occurred shall be immediately evacuated;

2. The building's heating, ventilating, and air conditioning system shall be shut down;

3. The area where the fiber release may have occurred shall be sealed off and doors shall be closed;

4. The Superintendent/Principal and building maintenance supervisor shall be immediately contacted;

5. The names of all persons who were in the area where the fiber release may have occurred shall be recorded and maintained in separate file;

6. The Superintendent/Principal or designee shall communicate to the parents/legal guardians of pupils, staff, and other occupants of the building as necessary; and

7. The school district shall take such action as necessary depending on whether asbestos fibers were released.

Adopted: 19 October 2011

R 8420.6 ACCIDENTS TO AND FROM SCHOOL

The Board of Education recognizes that school staff and/or school pupils may be involved in an accident on their way to or on their way home from school. The school district or school building, depending on the circumstances, will follow these procedures, when practical, in the event there is an accident involving a school staff member or pupil who is on their way to or on their way home from school.

Procedures

1. The person receiving notice of an accident shall immediately contact police, fire, or rescue department as appropriate. In the event the person receiving notice of such accident is a pupil, the pupil shall immediately notify the Building Principal or designee. In the event the person receiving notice is a school staff member, the staff member shall notify the Superintendent/Principal or designee, or their immediate supervisor after contacting police, fire, or rescue department as appropriate.

2. The Superintendent/Principal or designee, or the immediate supervisor, shall notify the parent(s) or legal guardian(s), spouse, or individual identified on the emergency card as appropriate.

3. In the event the police, fire, or rescue department is aware of the accident when the district is notified of the accident, the Building Principal or designee, or the immediate supervisor shall continue to attempt to notify the parent(s) or legal guardian(s), spouse or individual identified on the emergency card as appropriate.

    a. If the parent(s) or legal guardian(s), spouse or individual identified on the emergency card, is unavailable, the Superintendent/Principal or designee, or the immediate supervisor shall discuss the situation, as appropriate, with an associate at the place of employment of the parent(s) or legal guardian(s), spouse, or emergency contact.

    b. If contacts are unsuccessful, the Superintendent/Principal or designee, or the immediate supervisor will attempt to contact relatives, neighbors, or faith-based institutions, as appropriate.

4. The school district may send a staff member to the scene of the accident, if appropriate.

Adopted: 19 October 2011

R 8420.7 LOCKDOWN PROCEDURES

In the event it is determined by the Principal or designee a circumstance or situation requires the school building's occupants to remain secure within the school building, the Principal or designee may implement lockdown procedures. The procedures to be enacted during a lockdown shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.

Adopted: 15 February 2023

R 8420.10 ACTIVE SHOOTER

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to students and school staff. Intruders may possess weapons or other harmful devices. The procedures to be enacted during an active shooter or armed assault situation shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.

Adopted: 15 February 2023

R 8431 TOXIC HAZARD PREPAREDNESS PROGRAM

The following procedures are established to guide the Toxic Catastrophe Preparedness Officer in the implementation of Policy No. 8431.

1. The Toxic Hazard Preparedness (THP) Officer should obtain municipal tax maps of the area within the survey zone and mark on the maps the location of each facility that is potentially dangerous: chemical plants, waste treatment plants, industrial plants, dumps, storage yards, hazardous waste disposal sites, and so forth.

2. The THP Officer should contact county health departments and the fire and police departments in municipalities within the survey zone to determine which, if any, have completed a plan for emergency response to industrial accidents.

3. The THP Officer should contact the county health department and local fire and police departments and solicit their cooperation in determining the facilities that may pose a danger to the district school.

4. The THP officer may obtain information regarding compliance with the Worker and Community Right to Know Act by calling 609-984-3219. Information regarding compliance with the Toxic Catastrophe Prevention Act may be obtained by calling the project office at 609-984-3641. A copy of a facility's environmental survey may be requested by written request to:

   New Jersey Department of
   Environmental Protection
   401 East State Street
   Trenton, New Jersey 08625

5. The THP Officer should visit each of the facilities identified and attempt to enlist the aid of the plant manager. Without suggesting that the plant is mismanaged or a threat to the community, the THP officer should seek the plant manager's cooperation in:

   a. Notifying immediately the district central office and, if appropriate, the Principal in the event of an accident that might adversely affect pupils and staff members;

   b. Suggesting appropriate measures to be taken in response to an accident;

c. Suggesting appropriate emergency equipment and supplies that should be kept on hand in the school nurse's office for use in the event of an industrial accident; and

d. Training the district nursing staff in coping with the consequences of exposure to a hazardous substance.

6. The THP Officer shall request local fire and police officers to notify school officials immediately in the event of an industrial accident known to them which might adversely affect pupils and school staff members. The THP Officer shall also request the aid of fire and police officers as circumstances dictate.

7. The THP Officer will assist the Superintendent in planning and implementing an in-service program to train school district employees in recognizing a toxic condition and responding properly to the hazard.

Issued: 19 October 2011



R 8441 CARE OF INJURED AND ILL PERSONS

A. Immediate Attention

These regulations apply when a person--pupil, staff member, or visitor--on school premises or in the course of a school-sponsored event or field trip is injured or becomes suddenly ill. The school staff member or other responsible adult present who takes charge should act quickly but not hastily.

1. The injury or illness shall be reported immediately to the school nurse or, in the absence of the school nurse, to the Principal. The report may be made directly (over an intercom) or by another adult or by a pupil messenger.

2. If it is clearly evident that the illness or injury is serious, emergency medical assistance shall be immediately summoned by telephone call to 911.

3. The victim shall be examined for breathing obstructions, bleeding, and broken bones.

4. The victim shall be checked for the presence of a necklace or bracelet that identifies a particular medical problem such as diabetes or epilepsy.

5. The victim will not be moved, except as may be absolutely necessary to remove the person from a dangerous environment. If necessary, furniture or equipment will be moved to permit space around the victim.

6. The victim should be made as comfortable as possible, without moving him/her, by loosening binding clothing and providing warm coverings.

7. No food or liquid should be given to the victim except on the orders of a health professional.

8. The victim should be calmed with assurances that he/she is receiving or is about to receive aid.

B. Emergency First Aid Procedures

The school nurse shall administer the following emergency first aid procedures, as appropriate to the victim's illness or injury. If the school nurse or other health professional is not available or cannot be summoned quickly or the victim's illness or injury is so serious as to warrant immediate attention, these first aid procedures may be followed by the responsible adult present.

1. ALLERGIC REACTIONS

The victim may show sudden blotchy swelling of the skin (hives) and mucous membranes, difficulty in breathing, wheezing, increased pulse rate, nausea, abdominal cramps, vomiting, fall in blood pressure with weak pulse.

The use of a single dose auto-injector for epinephrine may be indicated. The school nurse or trained teacher shall decide whether or not to administer the appropriate dose.

In a severe allergic (anaphylaxis) reaction, the victim should be taken immediately to hospital emergency services or a doctor's office.

2. BLEEDING, SEVERE

a. Apply direct pressure with a sterile compress, if available; if no compress is available, the gloved or otherwise protected hand or fingers may be used until a compress can be obtained.

b. Unless there is evidence of a fracture, a severe wound of the hand, neck, arm, or leg should be elevated above the level of the victim's heart.

c. Apply pressure on the supplying artery if severe bleeding does not stop after application of direct pressure plus elevation.

d. A tourniquet may be used only for a severe, life threatening hemorrhage that cannot be controlled by other means. The decision to use a tourniquet may be made only by a health professional.

3. BREATHING OBSTRUCTION

a. Tilt the victim's head, clear the airway, and begin mouth-to-mouth or mouth-to-nose breathing immediately.

Initially, give four quick, full breaths without allowing the lungs to fully deflate between each breath.

b. Maintain the head tilt and look, listen, and feel for exhalation of air. Check the carotid pulse for at least five but no more than ten seconds.

c. If there is no pulse and no breathing, cardiopulmonary resuscitation (CPR) should be commenced by a person trained to give CPR.

d. If there is a pulse but no breathing, mouth-to-mouth breathing should be continued until the victim breathes spontaneously.

4. BURNS, MAJOR

The victim has sustained a second- or third-degree burn, i.e. has burned the epidermis and underlying dermis and perhaps underlying tissues, possibly over a large area; the skin will appear red and blistered or, in a very serious burn, white or blackened.

a. If the burn was caused by exposure to a chemical,

(1) Flush the affected area under cool running water for at least fifteen minutes;

(2) Apply any first aid measures specified on the chemical container;

(3) Cover the burn with a cool, wet dressing; and

(4) Take the victim to hospital emergency services.

b. If the burn is a second degree burn that covers an area less than two or three inches across,

(1) Rinse the burn with cool water and gently wash and rinse the burned area;

(2) Spray with an antiseptic spray and cover with a sterile dressing;

(3) Do not apply ointments, petroleum jelly, margarine, grease, oil, or butter; and

(4) Do not break blisters to avoid the risk of infection.

c. If the burn affects an area more than two or three inches across or is a third degree burn,

(1) Immerse the burned area in cold water or apply cold compresses to the affected area to bring skin temperature back to normal, and

(2) Wrap the victim loosely in a clean sheet and transport him/her to hospital emergency services or, if the burn affects more than ten percent of the body, to a specialized burn facility.

5. CONCUSSION

The victim may be dazed or unconscious, bleed from mouth, nose or ears; have rapid but weak pulse; have eye pupils unequal in size; complain of headache and dizziness; be nauseated or vomiting,

a. Keep victim lying down and warmly covered.

b. Ice may be applied to head.

c. Medical attention must be sought to determine extent of injury.

6. CONVULSION OR SEIZURE

a. Protect the victim from self-injury by lying him/her down, preferably on a padded surface, and loosen his/her clothing.

b. Turn the victim's head to one side to keep the airway open and permit saliva to flow out of the mouth. If possible, place a rolled-up handkerchief or other soft object (not a hard object) between the upper and lower teeth. Do not place a finger in the victim's mouth or try to force open the victim's clenched jaws.

c. Do not restrain the victim unless gentle restraint is necessary to prevent self-injury.

d. If vomiting occurs, turn the head so that vomitus is expelled from the mouth and is not inhaled.

e. If the seizure continues for more than a few minutes or recurs in a short time, summon an ambulance.

7. INSULIN SHOCK

The victim may have a sudden onset of weak, drowsy appearance; moist and pale skin; drooling; intense hunger, vision disturbance; normal or shallow respirations; full and pounding pulse; irritability;

a. Administer some kind of carbohydrate, which can be in the form of sugar, fruit juice, candy, sugared soda pop (not artificially sweetened). If the victim has lost consciousness, honey or granulated sugar should be placed under the victim's tongue.

b. After symptoms have subsided (in ten to fifteen minutes), offer the victim a food snack.

c. If the symptoms do not subside, the victim should be taken to a hospital emergency service.

8. DIABETIC COMA

The victim may have an extremely ill appearance, dry flushed skin, intense thirst, exaggerated respiration with hunger for air, weak and rapid pulse, dimming of vision, and acetone or fruity odor on breath. A person in diabetic coma must be taken immediately to a hospital emergency service.

9. HEAT EXHAUSTION

The victim may have pale, clammy skin, rapid and weak pulse, weakness, headache, nausea, cramps of abdomen or limbs.

a. The victim should lie down with his/her head lower than the body.

b. The victim should be protected from chilling.

c. If the symptoms do not subside, the victim should be taken to a hospital emergency service.

10. POISONING

a. Contact the Poison Control Center by calling 911 for instructions. Be prepared to give information regarding the substance and amount ingested and the state of the victim.

b. If the Poison Control Center cannot be consulted and the poison can be identified with certainty and its original container is available, administer the antidote specified on the container in the method and dosage recommended and seek medical assistance.

c. If the poison is unknown, dilute the poison by requiring the victim to drink quantities of water or milk.

d. If the poison is not corrosive or a petroleum product (see B10e) and the victim is not unconscious, induce vomiting by:

(1) Administering one to two tablespoons of Ipecac Syrup followed by water, or

(2) Inserting a spoon handle or finger in the victim's throat to produce a gag reflex.

e. If the poison is a corrosive substance (drain cleaner, lye, bleach, or other acid or alkali product) or a petroleum product, do not induce vomiting. Burns on or in the mouth may indicate a corrosive substance and a smell of petroleum on the victim's breath indicates a petroleum product.

f. Remove the victim, along with the container of the substance ingested and any vomitus, to hospital emergency services.

11. SHOCK

The victim may be drained of color and have a clammy skin, weak and rapid pulse, irregular or labored breathing, perspiration on upper lip and forehead. Victim may be nauseated and/or thirsty.

a. Keep the victim covered and lying down, with feet raised higher than the heart.

b. Loosen tight clothing and keep the victim comfortably warm.

c. If the victim is conscious, has no abdominal injury, and is not vomiting, the victim may be given fluid.

C. Routine First Aid Care

The school nurse shall administer the following routine first aid procedures, as appropriate to the victim's illness or injury. If the school nurse or other health professional is not available or cannot be summoned quickly, these first aid procedures may be followed by the responsible adult present.

1. ABDOMINAL PAIN

a. Take the victim's temperature and pulse rate.

b. Check for recent history of nausea, vomiting, and food ingestion and whether victim has had appendectomy.

c. Require victim to lie down for rest period.

d. If pain does not diminish or intensifies, notify parent(s) or legal guardian(s) or the school physician.

2. ABRASIONS AND LACERATIONS

a. Wash area gently with bland soap and cool water, rinsing carefully.

b. Apply an approved antiseptic.

c. Cover area with a light protective adhesive bandage.

3. BITES and STINGS

a. A wound resulting from the bite of an animal--dog, cat, hamster, mouse--should be treated as follows:

(1) Wash wound immediately with soap under running water. Apply an antiseptic and an antibiotic.

(2) If the wound is severe or a puncture wound, cleanse and send victim to hospital emergency services.

(3) Attempt to identify and capture animal.

b. A wound resulting from the bite of a human being should be washed and treated by a physician.

c. A bee sting should be treated as follows:

(1) Remove the stinger by scooping it out of the skin.

(2) Apply an ice pack or flush with cold water.

(3) Apply calamine lotion or cream to ease itching and swelling.

(4) If severe allergic reaction occurs, take the victim to hospital emergency services.

4. BLISTERS (other than those caused by burns)

a. Apply a light protective bandage.

b. Do not break; allow tissues to absorb fluid.

c. If blister ruptures, wash with antiseptic and water and apply sterile dressing.

5. BOILS

a. Apply dry dressing.

b. If boil has erupted, cleanse area and apply sterile dressing.

6. BRUISES

a. Apply cold compresses or ice to bruised area.

b. If bruise is black eye, examine pupil's eye and check victim for head injury.

7. BURNS, MINOR

a. Cool burned area under cold running water or with application of cold compress.

b. Encourage victim to drink fluids.

8. DIARRHEA

a. Take the victim's temperature.

b. Call parent(s) or legal guardian(s).

9. DISLOCATIONS

a. Apply ice or cold compress.

b. If possible, e.g., in the dislocation of a finger joint, apply a splint.

c. Notify pupil's parent(s) or legal guardian(s).

d. Take victim to hospital emergency services or a doctor's offices.

10. EARACHE

a. Check victim's temperature and examine ear.

b. Place small piece of cotton gently in outer orifice to provide warmth and/or comfort.

c. Call parent(s) or legal guardian(s).

11. FAINTING

a. Recline victim to lying position on his/her back. Loosen clothing for comfort.

b. Check victim for pulse rate and breathing; if necessary, apply CPR.

c. Permit victim to recover slowly.

d. If recovery does not occur in reasonable period of time or other symptoms indicate possibly complications, take victim to hospital emergency services.

12. FOREIGN OBJECTS

a. If the object is in the eye,

(1) Wash hands and examine the inner surface of the lower lid by pulling lid gently down.

(2) Remove object with slightly moistened swab.

(3) If object has not been removed, pull upper lid down over lower lid so that tears may wash object to corner of eye.

(4) Eye may be flushed with clean running water to dislodge object.

(5) If object remains, take victim to hospital emergency services or doctor's office.

b. If the object is in the ear,

(1) Use tweezers to remove any soft object that is clearly visible.

(2) Tilt the victim's head so that affected ear is downward and gently shake the victim's head.

(3) Place oil in ear only to immobilize an insect in the victim's ear.

(4) If object remains, take victim to hospital emergency services or doctor's office.

c. If the object is in the nose,

(1) Use tweezers to remove any soft object that is clearly visible.

(2) Have victim gently blow his/her nose once or twice to attempt to dislodge the object.

(3) If object remains, take victim to hospital emergency services or doctor's office.

d. When a foreign object has been swallowed or is in the victim's air passages,

(1) Apply the Heimlich maneuver.

(2) Remove victim to hospital emergency services.

13. FRACTURES

a. When the fracture is simple (no wound or break in skin),

(1) Support the fracture with a splint or bandage, as required.

(2) Take the victim to hospital emergency services or a doctor's office.

b. When the fracture is compound (punctures the skin),

(1) Take measures to stop the bleeding and apply a protective dressing to the wound.

(2) Provide support but do not move or handle the injured part until the bone has been splinted.

(3) Summon the ambulance and keep victim warm and comfortable.

c. When the fracture occurs to the skull (to be suspected when the victim is unconscious or semiconscious after a blow to the head) or to the neck or spinal column,

(1) Do not move the victim; be careful to keep neck in alignment with the rest of the spine.

(2) Control any bleeding with gentle direct pressure.

(3) If it is absolutely necessary to move victim (to remove him/her from a life-threatening situation), first place victim on board or other firm object, with head, neck, and spine in alignment and immobilized.

(4) Summon an ambulance to take the victim to hospital emergency services.

14. HEADACHE

a. Ascertain how and when the headache started, the length of time it has persisted, and what medication, if any, has been taken.

b. Take victim's temperature.

c. Have victim rest for ten minutes.

d. Offer fluid and apply ice pack to back of head.

e. In case of frequent recurring headaches or complicating symptoms, notify parent(s) or legal guardian(s).

15. MENSTRUAL DISCOMFORT

a. Have victim rest and apply heating pad for thirty minutes.

b. If a physician's permission has been given, administer analgesic.

c. If pain is severe, notify parent(s) or legal guardian(s).

16. NOSEBLEEDS (not associated with head injury)

a. Have victim sit with head angled slightly forward so that blood cannot run back into the throat.

b. If bleeding is from one nostril only, press that nostril toward the center; if from both nostrils, pinch nostrils together five to ten minutes. Ask victim to breathe through the mouth.

c. If bleeding persists when pressure is removed, make twist of sterile gauze or clean cloth and insert in nostril(s). Reapply pressure for ten minutes.

d. If bleeding stops, gently remove packing after thirty to sixty minutes.

e. If bleeding cannot be stopped or recurs frequently, notify parent(s) or legal guardian(s) or take victim to doctor's office.

17. POISON IVY, OAK, SUMAC

a. If person has recently been exposed to toxic plant, wash exposed skin area with soap and rinse thoroughly.

b. After rash appears, apply calamine lotion to lessen itching and burning.

c. Weeping rash should be covered with a dressing. Victim with weeping rash should be excluded from school.

18. SORE THROAT

a. Check victim's temperature.

b. Observe throat for infection, redness, swollen tonsils, and the like.

c. If fever or complicating symptom is present, notify parent(s) or legal guardian(s).

19. SPLINTERS

a. Cleanse area with soap and water, followed by alcohol.

b. Remove visible splinter with tweezers or sterile needle and cleanse area again. Apply antiseptic and light protective adhesive bandage.

c. If splinter is imbedded, do not remove. Notify parent(s) or legal guardian(s).

20. SPRAIN

a. Eliminate all stress on the injured part.

b. Keep the area raised, elevated on a pillow or sling.

c. Apply ice pack or cold compresses to the injured part to keep swelling down.

d. Bandage with elastic bandage for support.

e. Notify parent(s) or legal guardian(s).

21. TEETH

a. Apply a mild analgesic (Anbesol) to a mild toothache if physician's or dentist's permission has been granted.

b. If the toothache is severe, notify the parent(s) or legal guardian(s) and suggest dental care. A cold pack may be applied for temporary relief.

c. If a tooth is broken or is knocked out, notify the parent(s) or legal guardian(s).

d. A permanent tooth knocked out should be placed in water or a clean wet cloth and sent with the victim to a dentist immediately.

This regulation shall not be in effect unless it has the specific approval of the School Medical Inspector.

Adopted: 19 October 2011

R 8451 CONTROL OF COMMUNICABLE DISEASE

A. Detection of Communicable Diseases

1. Teachers will be trained to detect communicable diseases in pupils by recognizing the symptoms of disease.

2. In general, a pupil who shows one or more of the following symptoms should be sent to the school nurse for evaluation and/or treatment:

   a. Pain, generalized or specific,

   b. Chills,

   c. Fever,

   d. Earache,

   e. Vomiting,

   f. Sore throat,

   g. Enlarged glands,

   h. Skin eruption,

   i. Running nose, or

   j. Red and discharging eyes.

3. A pupil who shows symptoms of any of the following communicable diseases should be sent promptly to the school nurse for evaluation.

   a. Chicken pox: Small reddish, itchy eruptions on the skin resembling pimples or blisters, which later fill with fluid and form crusts; slight fever.

   b. German measles (rubella): A common cold followed by a light red rash on face and body; small beady lumps behind ears; slight fever.

c. Measles (rubeola): Cold, runny nose, watery and light-sensitive eyes, fever, followed by bluish-white specks (Koplik spots) on inside of mouth, red blotchy rash, and dry cough.

d. Mumps: Tenderness and swelling of the salivary glands below and a little in front of the ear; fever.

e. Streptococcal infections (including scarlet fever, sore throat, and erysipelas): Sudden onset of fever, sore throat, strawberry tongue, followed by bright red rash on body, usually on the inner arm and thigh.

f. Whooping cough (pertussis): A common cold, with irritating cough, followed by repeated series of violent coughs without inhaling, often with respiratory whoops. Cough may end with vomiting.

g. Fifth disease (erythema infectiosum): Fine rash that is most apparent on the cheeks and later spreads to arms and legs, low grade fever.

h. Pink eye (conjunctivitis): Redness of white areas of eyes, accompanied by some itching; eyes may discharge pus and be light sensitive.

i. Head lice (pediculosis): Itching scalp, presence of lice and nits at hair roots.

j. Impetigo (staphylococcus infection): Lesions.

k. Meningitis-meningococcal: Severe headache, chills, vomiting, convulsions, fever, stiff neck, pain in neck.

l. Hepatitis infectious: Fever, anorexia, nausea, malaise, abdominal discomfort, followed by jaundice.

4. Any person who is ill or infected with any disease below and as outlined in N.J.A.C. 8:57-1.3 or any communicable disease, whether confirmed or presumed will be reported immediately by the school Principal to the County Health Officer or to the New Jersey Department of Health if the County Health Officer is not available. Such telephone report will be followed up by a written report or electronic report within twenty-four hours of the initial report. The diseases to be immediately reported are:

a. Botulism (Clostridium);

b. Diphtheria (Corynebacterium diphtheriae);

c. Haemophilus influenzae, invasive disease;

d. Hepatitis A, institutional settings;

e. Measles;

f. Meningoccal disease (Neisseria menengitidis);

g. Pertussis (whooping cough, bordetella pertussis);

h. Plague (Yersinia pestis);

i. Poliomyelitis;

j. Rabies (human illness);

k. Rubella;

l. Viral hemorrhagic fevers, including, but not limited to, Ebola Lassa, and Marburg viruses;

m. Foodborne intoxications, including, but not limited to, mushroom poisoning;

n. Any foodborne, waterborne, nosocomial, outbreak or suspected outbreak or any outbreak or suspected outbreak of unknown origin;

o. Any other disease included in N.J.A.C. 8:57-1.3.

B. Exclusion From School

1. A pupil who exhibits any of the symptoms described in A2 or whose condition suggests the presence of a communicable disease as described in A3 or A4 will be sent to the school nurse's office. The teacher will ensure that the pupil is accompanied by an adult or a responsible pupil.

2. The teacher will communicate to the school nurse, directly or by written note, the reason for which the pupil is sent for medical assessment.

3. The school nurse will examine the pupil and, in consultation with the school medical inspector if the pupil's condition so indicates, recommend to the Principal the pupil's exclusion from school for medical reasons.

4. In the event neither the school nurse or the school medical inspector is available to be consulted about the pupil's condition, the Principal may determine to exclude the pupil from school.

5. The parent, adult family member, or other responsible adult designated by the parent will be promptly notified by telephone of the pupils' exclusion and requested to come to school to fetch the pupil. Until the adult arrives to remove the pupil, the pupil will be kept in an isolated location in the school and will be made as comfortable as possible. The pupil will be supervised at all times by a school staff member.

C. Readmission to School

1. A pupil who has been excluded from school or retained at home by reason of having or being suspected of having a communicable disease shall not be readmitted to school until the pupil presents written evidence that he/she is free of communicable disease.

2. Evidence that a pupil is free of communicable disease will consist of the certification of the school medical inspector or another qualified physician who has personally examined the pupil.

   No pupil who has had a communicable disease will be readmitted to school until a physician’s certificate indicating the symptoms of the disease have ceased has been provided to the Principal or designee or the school nurse.

D. Reports

1. The school nurse will file such reports as may be required by the New Jersey State Department of Health and in the reporting of communicable diseases in school.

2. When the rate of school absenteeism is in excess of fifteen percent, the school nurse shall report the absenteeism to the local and/or the County Board of Health.

3. The teacher may, with the advice and consent of the Principal and the school nurse, inform the parent(s) or legal guardian(s) of pupils in his/her class that a pupil in the class has contracted a communicable disease. The information given to parents or legal guardians may include the specific symptoms of the disease and parent(s) or legal guardian(s) may be encouraged to consult their personal physicians for inoculations that may prevent the disease or ease the symptoms of the disease.

Adopted: 19 October 2011

R 8461 REPORTING VIOLENCE, VANDALISM, HARASSMENT, INTIMIDATION, BULLYING, ALCOHOL, AND OTHER DRUG ABUSE

Any school employee who observes or has direct knowledge from a participant or victim of an act of violence or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a pupil for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Principal, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form to include all of the incident detail and offender and victim information that are reported on the Electronic Violence and Vandalism Reporting System (EVVRS). A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Policy 5512.

A. Reporting Violence, Vandalism, Alcohol or Other Drug Use

1. For each incident report of violence, vandalism, or alcohol or other drug abuse, the Principal shall:

   a. Review the incident report for accuracy in indicating the incident type, offender information, victim information, pupil demographics, and incident location;

   b. Forward a copy of the incident report to the Superintendent; and

   c. Notify the Superintendent of the action taken regarding the incident.

2. The Board shall not discharge or subject to any manner of discrimination any school employee who files a report pursuant to N.J.A.C. 6A:16-5.3.

3. The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, harassment, intimidation, or bullying pursuant to N.J.S.A. 18A:17-46.

   a. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.

B. Reporting Requirements

1. The Superintendent shall:

a. Submit a report to the Department of Education in accordance with the provisions of N.J.S.A. 18A:17-46 of each incident of violence, vandalism and alcohol and other drug abuse in the school district utilizing the EVVRS;

(1) Prior to submission, the Superintendent shall review the report to verify that it is an accurate and final report of all incidences of violence and vandalism in all of the schools in the school district;

(2) Verify that the data entered onto the EVVRS are correct and in accordance with N.J.A.C. 6A:16-7.1(a)6; and

(3) Provide for the annual training of staff to prepare them to fulfill the reporting requirements set forth in N.J.A.C. 6A:16-5.3.

C. Hearing Requirements

The Superintendent shall report to the Board all acts of violence, vandalism, harassment, intimidation, bullying, and incidents of alcohol and other drug abuse that occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46.

D. Knowingly Falsifying The Annual Violence and Vandalism Report Required Under N.J.S.A. 18A:17-46

1. Whenever it is alleged that a school employee has knowingly falsified the report, the Board shall make a determination regarding whether the employee committed the act.

2. Any employee alleged to have knowingly falsified the report shall be notified in writing of such allegation and shall be entitled to a hearing before the Board.

a. The hearing shall take place within thirty business days of the date on which the employee is notified of the allegation;

b. The employee shall be entitled to be represented by a person of his or her choosing and to present witnesses on his or her behalf; and

c. The Board shall notify the employee of its determination in writing within five school days of the hearing.

3. Upon determination by the Board that an employee has knowingly falsified the report, it shall take one or more of the following actions:

a. Impose minor discipline on a tenured or non-tenured employee notwithstanding any other law to the contrary and if negotiated with the majority representative of the employees in the appropriate collective bargaining unit;

b. Withhold a tenured or nontenured employee's increment for predominantly disciplinary reasons, which shall be subject to the grievance procedures established pursuant to law and shall be subject to the grievance procedures of section 8 of N.J.S.A. 34:13A-29;

c. File tenure charges with the Secretary of the Board in writing and with a written statement of evidence under oath to support such charges;

d. Terminate employment for an employee:

(1) For tenured employees, the termination shall be in accordance with the outcome of the proceedings in D.3.c. above; or

(2) Impose such other disciplinary sanctions as may be authorized by law.

4. Any action taken by the Board pursuant to D.3. above shall be based on its consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

5. Any employee having been found responsible for the falsification of the report by the Board shall have the right to:

a. File a grievance under their respective bargaining agreements;

b. Appeal the Board's determination to the Commissioner of Education in accordance with N.J.A.C. 6A:3-1.3 through 1.17 and subsequently to the State Board of Education; or

c. Appeal the decision to the Superior Court of New Jersey.

6. The availability of appeal options shall be based upon the action taken by the Board.

A Board of Education shall submit and implement corrective action plans for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner of Education.

Issued: 19 October 2011

R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

A. Definitions

1. An "abused child" as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent(s) or legal guardian(s), or other person having his/her custody or control:

   a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

   b. Creates or allows to be created a substantial or ongoing risk of physical injury to the child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;

   c. Commits or allows to be committed an act of sexual abuse against the child;

   d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent(s) or legal guardian(s), or such other person having his/her custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;

   e. Or a child who has been willfully abandoned by his/her parent(s) or legal guardian(s), or such other person having his/her custody and control.

   f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in

harm to the child's mental or physical well-being or has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation. A child shall not be considered abused under this section if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

2. An "Intern" means a post-secondary pupil or graduate in a professional field gaining supervised practical experience.

B. Indications of Child Abuse and/or Neglect

1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:

a. There is evidence of physical injury to a pupil not likely to have been caused by an accident, regardless of the pupil's explanation of the injury;

b. A pupil complains of having been injured or having been sexually molested, with or without external signs of physical injury;

c. A pupil appears to be malnourished;

d. A pupil's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;

e. A pupil complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;

f. A pupil is excessively apprehensive, fearful, withdrawn, or aggressive;

g. A pupil is afraid to go home after school or arrives to school unreasonably early;

h. A parent or the caretaker of a child admits having abused the child;

i. The removal from school by the parent(s) or legal guardian(s), or other person having custody and control of the child that may be an indicator of additional grievous abuses; or

j. School district personnel have any other reasonable cause to believe that a child has been subject to child abuse and/or neglect or acts of child abuse and/or neglect.

C. Notification Requirements for School District Employees, Volunteers or Interns

1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children.

a. The person having reason to believe that a child may be missing or may have been abused or neglected may, prior to notifying designated child welfare authorities, inform the Building Principal or designee if the action will not delay immediate notification.

b. The person notifying designated child welfare authorities shall inform the Building Principal or designee of the notification, if such had not occurred prior to the notification.

(1) Notice to the Building Principal or designee need not be given when the person believes that such notice would likely endanger the reporter or pupil involved or when the person believes that such disclosure would likely result in retaliation against the pupil or in discrimination against the reporter with respect to his or her employment.

2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

D. School District's Notification to Law Enforcement

1. The Building Principal or designee upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must

notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.

a. Any school district or building level administrative staff member, in addition to the Building Principal, is authorized by the Board to report and notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.

b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.

2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

E. School District Cooperation with Designated Law Enforcement Authorities

1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.

a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the pupil in the presence of the Building Principal or designee.

(1) If the pupil is intimidated by the presence of the school representative, the pupil shall be requested to name an employee, volunteer, or intern working in the school district, whom he or she feels will be supportive, and who will be allowed to accompany the pupil during the interview.

b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.

c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the pupil who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and N.J.A.C. 6A:32-7 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.

d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and N.J.A.C. 6A:32-7.

(1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or designee.

e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the pupil to child welfare authorities while school is in session when it is necessary to protect the pupil or take the pupil to a service provider.

(1) Such removal shall take place only after the Building Principal, or designee, has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the pupil from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.

f. The district will cooperate in the transfer of a pupil who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.

F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

1. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights.

2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect shall occur only if there is reason to believe

that the life or health of the alleged victim or other pupil is in imminent danger due to continued contact between the employee, volunteer, or intern and the pupil.

3. All references to a notification to the designated child welfare authorities of a potential missing, abused, or neglected child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.

Adopted: 19 October 2011



R 8465 BIAS CRIMES AND BIAS-RELATED ACTS

A. Definitions

1. A bias crime means any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race; color; religion; gender; disability; sexual orientation; gender identity or expression; national origin; or ethnicity.

2. A bias-related act means an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial; gender; disability; religion; sexual orientation; gender identity or expression; national origin; or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense.

3. All bias crimes are also bias-related acts, but not all bias-related acts will constitute a bias crime.

B. Procedure For Reporting Bias Crimes and Bias-Related Acts

1. A school employee shall immediately notify the Principal and the Superintendent or designee when in the course of their employment, they develop reason to believe that:

a. A bias crime or a bias-related act has been committed or is about to be committed on school grounds;

b. A ***bias*** crime or a bias-related act has been or is about to be committed by student on or off school grounds, and whether such offense was or is to be committed during operating school hours; or

c. A student enrolled in the school has been or is about to become the victim of a ***bias*** crime or bias-related act on or off school grounds, or during operating school hours.

2. The Superintendent or designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office when a bias crime or bias-related act has been committed or is about

to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias crime or bias-related act on or off school grounds, or during operating school hours.

3. The Superintendent or designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias crime or bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

C. Nature of Referral

1. The mandatory referral for suspected or committed bias crimes and bias-related acts as described in N.J.A.C. 6A:16-6.3(e) and this Regulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.

D. Concurrent Jurisdiction

1. Unless the local police department or the county prosecutor's office request otherwise, school officials may continue to investigate a suspected bias crime or bias-related act occurring on school grounds and may take such actions as necessary and appropriate to redress and remediate any such acts.

2. School officials will immediately discontinue any ongoing school investigation if the local police department or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

a. Upon notice provided in D.2. above, school officials will take no further action without providing notice to and receiving the assent of the local police department or the county prosecutor's office.

E. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected bias crime or bias-related act pending the arrival of the local police department or the county prosecutor's office.

2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the local police department or county prosecutor's office in a manner designed to minimize the harm and continued exposure to students by such evidence.

Issued: 2 March 2022

R 8467 WEAPONS

A. Definitions – N.J.A.C. 6A:16-1.3

1. "Weapon" means items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f).

2. "Firearm" means items enumerated in N.J.S.A. 2C:39-1(f) and 18 USC §921.

3. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by municipalities, private entities, or other individuals during times when the school district has exclusive use of a portion of the land.

B. Reporting to Law Enforcement – N.J.A.C. 6A:16-6.3

1. Whenever a school employee develops reason to believe a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 USC §921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 USC §921, has unlawfully been brought onto school grounds or a student or other person is in unlawful possession of a firearm or other deadly weapon on or off school grounds, or a student or other person has committed an offense with or while in possession of a firearm on or off school grounds or during school operating hours, the matter shall be reported as soon as possible to the Principal or designee, or in the absence of the Principal or designee, to the staff member responsible at the time of the alleged violation.

   a. Either the Principal or designee or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

b. The Superintendent or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

c. All incidents shall be reported under N.J.A.C. 6A:16-6.3 utilizing the Student Safety Data System, pursuant to N.J.A.C. 6A:16-5.3(e)1, where appropriate.

C. Handling of Firearms and Dangerous Weapons – N.J.A.C. 6A:16-6.4

1. In accordance with N.J.A.C. 6A:16-6.4(b), whenever a school employee seizes or comes upon a firearm or dangerous weapon, school officials shall:

a. In the case of a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the firearm pending the response by law enforcement to retrieve and take custody of the firearm; and

b. In the case of a dangerous weapon other than a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the dangerous weapon pending the response by law enforcement to retrieve and take custody of the dangerous weapon.

2. School employees in custody of a firearm or dangerous weapon shall take reasonable precautions, according to Board procedures, to prevent the theft, destruction, or unlawful use of the firearm or dangerous weapon by any person, pursuant to N.J.A.C. 6A:16-6.4(c).

a. The Principal shall place the firearm or dangerous weapon in a secure and locked location.

b. In the event any person other than the Principal is permitted access to the firearm or dangerous weapon prior to its retrieval by a law enforcement official, that person shall enter their name and signature on the record along with the time and date of inspection and the reason for the access. Access to the firearm or dangerous weapon will be permitted only in the presence of the Principal.

c. The law enforcement official who takes custody of the firearm or dangerous weapon shall be required to sign and date the record to indicate their receipt of the firearm or dangerous weapon.

3. The Principal shall provide to the law enforcement official who takes custody of the firearm or dangerous weapon:

a. All information concerning the manner in which the firearm or dangerous weapon was confiscated;

b. The identity of all persons who had custody of the firearm or dangerous weapon following its confiscation; and

c. The identity of any student or staff member believed to have been in possession of the firearm or dangerous weapon.

4. Any person employed or engaged in a school or educational institution may, within the scope of their employment, use and apply such amounts of force as is reasonable or necessary to obtain possession of weapons or other dangerous objects upon the person or within the control of a student, pursuant to N.J.S.A. 18A:6-1.

Adopted: 18 September 2024

R 8468 CRISIS RESPONSE

In responding to a crisis situation, the school administration and staff shall implement the following procedures:

A. LEVEL I - Threat Situation

In the event of an overt threat to an individual:

1. Anyone becoming aware of such a threat shall, without delay, report the nature of this threat, and any details known about the threat to the Building Principal or their immediate supervisor.

2. The administrator/supervisor, upon receipt of such a report, shall isolate and contain the individual(s) reported to have made said threat. Such action is to be taken only if it is possible to do so without further jeopardizing the safety of the individual threatened, or any other individual on the school premises.

3. If the physical safety of any individual is, or might be jeopardized by an attempt to isolate or contain the individual in question, the local law enforcement authorities shall be contacted for their assistance.

4. Whenever possible, the building supervisor or administrator shall cause any and all other individuals present to be removed from the immediate and surrounding location, to a place of safety.

5. In those instances in which weapons, and/or potentially dangerous materials are discovered to be involved, the local law enforcement authorities shall immediately be notified in accordance with Policy and Regulation Nos. 5611 and 8467.

6. The building administrator or supervisor shall, at earliest opportunity, report to the Superintendent the existence of any crisis situation, the status of that situation and any action contemplated or taken by the building administrator.

7. In the absence of an imminent threat to any individual(s) (such as those outlined in #3 or #5 above), the Superintendent may choose to consult with others in determining an appropriate response to the threat situation; e.g., Board Attorney, administrator in whose school the threat has occurred. The Superintendent may also:

a. Convene a meeting of the Crisis Team and/or any members of that Team for consultation regarding an appropriate course of action.

b. Direct the administrator to:

(1) Contact the parents of the individual(s) involved, and require their immediate presence at school to discuss the nature of the threat.

(2) Immediately suspend the pupil(s) from school, pending further action.

(3) When applicable, place suspended pupil(s) on Homebound Instruction, pending evaluation by the Child Study Team.

(4) If deemed necessary, report the incident to the local police authorities.

c. In instances in which weapons have been involved, initiate suspension or expulsion proceedings in accordance with Policy and Regulation No. 5611.

8. Upon resolution of a Level I situation, counseling services may be provided to individual(s) who have been adversely affected. Such services may be made available through the Guidance Department, Child Study Team or through a referral to an outside agency.

9. The Superintendent or his/her designee, shall report to the Board concerning the relevant details of the Level I crisis situation; specifically, those actions contemplated or taken, and the resultant outcome.

B. Level II - Crisis in Progress

During the commission of an act of terrorism, hostage situation or other violence, the jurisdiction of the local/State Police authority is recognized.

1. Aware that such an act is in progress, the administrator shall, without delay, notify the local, state or county law enforcement authorities.

2. The school shall place at the disposal of the law enforcement authorities, all personnel and information that might be supportive and useful in resolving the crisis.

3. The Crisis Team may be immediately convened.

4. The Crisis Team may be briefed on the status of the situation, and will act in an informational and advisory capacity to the Superintendent or his/her designee, and local enforcement agency during the crisis.

5. The Crisis Team members will provide assistance and services as needed to help maintain order. Efforts should also be directed toward generating a sense of control in pupils, staff and members of the community.

6. The Superintendent or his/her designee, shall act as the primary disseminator of information to the press, public and staff concerning the ongoing crisis. He/she may elect to consult with the local, state or county law enforcement authorities and/or Crisis Team in determining the nature and extent of information to be released. Consideration shall be given to the possible effects the release of information might have on:

   a. The safety of individuals immediately involved in the situation;

   b. The reactions or interpretation of the staff, pupils or community;

   c. The effect upon law enforcement efforts to resolve the crisis.

C. Level III - Aftermath

Upon resolution of a Level II situation, the Crisis Team shall convene to determine the status of the student body, staff and community; and to determine the steps needed to reestablish a normalized psychological/social environment.

1. The Crisis Team shall consider and make recommendations concerning:

   a. Individuals who are in need of referral to in-school counseling services;

   b. Individuals who need to be referred to agencies or private counselors;

   c. Steps to be taken by staff in dealing with pupil questions, concerns and fears related to the crisis. To accomplish this, a faculty meeting of the entire staff shall be held as soon as time and circumstances allow;

   d. Information to be provided to the classroom teacher which may be shared with pupils with the objective of reducing fear, rumor, and promoting a calming and healing atmosphere;

   e. Debriefing opportunities for staff members who have questions, concerns and fears related to the crisis;

f. Directions to the staff regarding appropriate/inappropriate media contact.

2. The Crisis Team shall:

   a. Review the crisis policy and procedures currently in effect;

   b. Make suggestions to the Superintendent or his/her designee, for modifications in policy and procedures which have potential for dealing with future incidents.

3. The Superintendent or his/her designee, shall communicate to the Board of Education, information concerning the resolution of the crisis situation, details of actions contemplated or taken and recommendations for changes in policy or procedure.

4. Individuals who are members of the pupil population, and are found to be culpable in the commission of any threat or act as indicated above, shall be subject to:

   a. Criminal law pertaining to such acts and individuals.

   b. The civil law pertaining to such acts and individuals.

   c. New Jersey Education Law and Codes (Regular or Special Education) as they pertain to such acts and individuals.

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R 8600 PUPIL TRANSPORTATION

General Requirements - Pupils Remote From School

A. The Board will transport:

1. Pupils who reside remote, as defined in N.J.S.A. 18A:39-1. and N.J.A.C. 6A:27-1.2(a)1. and (a)2., from their assigned district school of attendance;

2. Nonpublic school pupils who reside remote from their school of attendance and meet the eligibility criteria of N.J.A.C. 6A:27-2.2;

3. Charter school pupils pursuant to N.J.A.C. 6A:3.1 et seq.;

4. Special education pupils who reside remote from their assigned school and pupils who require transportation services in accordance with their Individualized Educational Program (IEP);

5. School choice pupils pursuant to N.J.A.C. 6A:27-4.1.

Nonpublic and Charter School Transportation

A. The Board will transport resident children who attend a nonpublic or charter school in the State of New Jersey not more than twenty miles from their residence, but not a lesser distance from their residence than that required for the transportation of pupils enrolled in the school.

B. Pupils living more than twenty miles from their nonpublic or charter school are eligible for transportation services when other pupils living within the district, whose residence is less than twenty miles from school, are transported to the same nonpublic school.

C. Aid in lieu of transportation will be provided to a parent(s) or legal guardian(s) pursuant to N.J.S.A. 18A:39-1.

Hazardous Routes

The Board will approve all bus routes by September of each school year. Those bus routes for all non-remote pupils who must walk to and from school along hazardous routes will be designated. The Board will consider, but shall not be limited to the criteria outlined in N.J.S.A 18A:39-1.5 in determining "Hazardous Routes" as follows:

1. Population density;
2. Traffic volume;
3. Average vehicle velocity;
4. Existence or absence of sufficient sidewalk space;
5. Roads and highways that are winding or have blind curves;
6. Roads and highways with steep inclines and declines;
7. Drop-offs that are in close proximity to a sidewalk;
8. Bridges or overpasses that must be crossed to reach the school;
9. Train tracks or trestles that must be crossed to reach the school; and
10. Busy roads or highways that must be crossed to reach the school.

A school district shall work in conjunction with municipal officials in determining the criteria necessary for the designation of a hazardous route.

Charter School Transportation

A. The Board will provide transportation or aid in lieu of transportation to charter school pupils pursuant to N.J.S.A. 18A:39-1.

B. The Board is responsible for to and from charter school transportation for the pupils that reside within the district.

C. Pupils residing within the district that live less than remote from the charter school are eligible for transportation in accordance with the school district's policies for public school pupils.

D. Pupils who reside in the district or region of residence in which the charter school is located shall be provided with transportation in the same manner as transportation is provided to other public school pupils residing in the district and in accordance with N.J.S.A. 18A:39-1 and N.J.A.C. 6A:27-3.1.

E. The expenditure for charter school pupil transportation who reside outside of the district or region of residence in which the charter school is located is limited to the annual nonpublic maximum expenditure per pupil in accordance with N.J.S.A. 18A:39-1.

F. When the school is closed for inclement weather or other conditions, no transportation will be provided for pupils enrolled in any other public school, charter school, and/or nonpublic school.

School Bus Use and Standards

A. The Board requires that all buses bid or purchased shall be equipped with seat belts.

B. School bus drivers and all school bus passengers shall be required to wear seat belts when transported in school buses so equipped. Seat belts shall be fastened when the driver and passengers board the vehicle and they shall be kept fastened at all times while on board the vehicle. Seat belts may be unfastened only when the individual is departing the vehicle. The Board further requires that drivers and passengers using private vehicles to transport pupils wear seat belts in the same manner.

C. The Board requires every school bus bid or purchased that is used to transport public, non-public and/or charter school pupils will be equipped with a crossing control arm at the right front corner of the bus. The arm must open and extend out from the bus at least five feet each time the bus door is opened.

D. School bus purchase, use and standards must meet Federal and State standards and must be in accordance with N.J.A.C. 6A:27-7.1 et seq.

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R 8630 EMERGENCY SCHOOL BUS PROCEDURES

The following procedures apply to all school bus drivers employed by the Board of Education or under contract with the Board of Education for the transportation of pupils to and from school or in the course of an activity sponsored by the Board of Education.

A. Bus Exit Drills

1. The Principal shall organize and conduct emergency bus exit drills at least twice each school year for pupils who are transported to and from school and at least once per year for all other pupils.

2. The school bus driver will participate in the drill.

3. Bus exit drills will be conducted on school property and will be supervised by the Principal or by a person assigned by the Principal to supervise the drill. The drill will be conducted when weather is conducive to safety and preferably when the bus arrives at school with a full complement of pupils.

4. The portion of the drill involving the use of the rear emergency door, which requires pupils to jump a thirty-inch drop, need not be performed by every pupil; a few pupils may demonstrate for the others.

5. The school bus driver or supervisor of the drill shall:

   a. Describe and demonstrate the use of kick-out windows and split-sash windows;

   b. Describe the location and use of flares, flags, fire ax, and other emergency equipment;

   c. Give instruction in the opening and closing of front and rear doors, turning off the ignition switch, and setting and releasing the emergency brake;

   d. Explain that the bus will be evacuated by the front door when the bus is damaged in the rear and by the rear door when the front door is blocked;

   e. Demonstrate the use of the emergency exit door;

f. Instruct pupils that lunches and books should be left on the bus in the evacuation procedure;

g. Appoint older, bigger pupils to assist younger, smaller pupils in their exit from the bus;

h. Have pupils leave bus one row at a time, left and right sides alternating, in a prompt and orderly fashion;

i. Instruct pupils to group in a safe place at least fifty "giant steps" away from the bus and to wait in that place until directed by the driver, a police officer, or other adult in authority; and

j. Tolerate no pupil misbehavior in the conduct of the drill; the failure of any pupil to follow directions must be reported to the Principal.

B. Additional Precautions

1. An adult monitor will be appointed to assist the school bus driver. A pupil leader will be selected on the basis of the pupil's maturity, ability to lead, and, where possible, residency near the farthest point of the bus route; written parental approval must be secured. The adult monitor will be trained to substitute for the bus driver in the event of the driver's incapacitation.

2. School bus drivers shall attend training workshops offered by the New Jersey Department of Education and this school district and shall be trained in first aid.

3. Each school bus shall be equipped with:

a. A list of the pupils assigned to that bus;

b. A first aid kit approved by the school medical inspector and inspected regularly by the school nurse;

c. Several emergency notice cards on which are printed the telephone numbers of the appropriate police department, the receiving school, and an emergency medical service and on which is provided a space for writing the location of a disabled school bus and the name of the bus driver; and

d. Flags or flares or other warning devices.

4. Each school bus driver shall:

   a. Daily survey his/her bus for possible hazards;

   b. Keep aisles and passageways clear at all times;

   c. Maintain pupil discipline on the bus;

   d. Prohibit the presence of any animal, firearm, ammunition, weapon, explosive, or any other dangerous material or object on the school bus;

   e. Report promptly to the Principal any potential driving hazard on his/her route, such as construction, road work, etc.;

   f. Report promptly to the Principal any deviation in the bus route or schedule;

   g. Drive at safe speeds at all times and exercise extraordinary care in inclement weather;

   h. Know and obey all motor vehicle laws and regulations and State Board of Education regulations; and

   i. Not smoke, eat, or drink any liquid or perform any act or behave in any manner that may impair the safe operation of the school bus while it is transporting pupils.

C. General Emergency Rules

1. The school bus driver is responsible for the safety of the pupils on his/her bus. In the event of an emergency, the school bus driver must exercise responsible leadership. The safety and well-being of pupils must be the driver's paramount consideration. The bus driver will stay with his/her pupils at all times.

2. The bus driver may not leave the school bus when children are aboard except in an emergency and, then, only after he/she has stopped the motor, removed the ignition key, set the auxiliary brake, and put the transmission in gear for a standard transmission or in "Park" for an automatic transmission.

3. A school bus must be evacuated when:

   a. There is a fire in the engine or any other portion of the bus;

   b. There is a danger of fire because the bus is near an existing fire or a quantity of gasoline or other highly combustible material and is unable to move away; or

   c. The bus is disabled for any reason and

      (1) Its stopping point is in the path of a train or is adjacent to a railroad track,

      (2) A potential exists for the position of the bus to shift thus endangering pupils, or

      (3) The stopping point (e.g., on a hill, curve, or near an obstruction) fails to provide oncoming traffic with at least 300 feet visibility of the bus, thus creating the danger of a collision.

4. When a school bus is evacuated, pupils shall leave the bus by the exit(s) and in the manner that affords maximum safety in the circumstances.

5. Pupils who have been evacuated from a school bus shall be moved to a safe place at least 100 feet from the bus and remain there until the driver or, if the driver is incapacitated, another person in authority has determined that no danger remains or until other provisions can be made.

6. No pupil shall be allowed to request a ride with a passerby or proceed to walk home or leave the scene without the specific approval of the bus driver, a police officer, or other person in authority.

7. Whenever a school bus is disabled in the course of providing pupil transportation, the driver, or a responsible person appointed by the driver, will notify the Principal of the receiving school of the number and location of the bus and the circumstances of the disability. The Principal of the receiving school will make arrangements for the safety of the pupils involved, by substitute transportation or otherwise.

D. Specific Emergency Situations

1. In the event of an accident or vehicle failure the following procedures will be implemented.

a. The school bus driver shall, in person or through a responsible delegate, summon the police and emergency medical services, if necessary, and notify the Principal of the receiving school and the School Business Administrator, or designee, of the district providing the transportation.

b. The school bus driver will attempt to make all pupils as safe and comfortable as possible. If necessary, the driver will administer emergency first aid to injured pupils.

c. Each pupil on a school bus involved in an accident must be examined for possible injuries, whether or not the pupil appears to have been injured. In the event the school medical inspector is not immediately available, pupils will be examined by the school nurse or by the pupil's personal physician. A written report must be made of the medical condition of each pupil on the bus and submitted to the Principal of the receiving school.

d. If another vehicle(s) is involved, the bus driver will obtain the following information from the driver(s) of that vehicle(s): driver's name, driver's license number, vehicle owner's name and address, vehicle registration number, owner's insurance company and policy number, and a description of the vehicle (color, make, year, body type).

e. The driver will obtain the names and addresses of persons involved in the accident and, if possible, of witnesses.

f. The following notifications must be provided:

(1) The school bus driver must report immediately to the Principal of the receiving school and the School Business Administrator or designee of the district providing the transportation, any accident that involves an injury, death, or property damage. In addition, the bus driver must complete and file the Preliminary School Bus Accident Report prescribed by the Department of Education with the Principal of the receiving school. The written accident report must be accurate and complete.

(2) The Principal of the receiving school shall retain a copy of the Report and forward other copies of the Report as prescribed by the New Jersey Department of Education.

(3) In addition, a school bus driver involved in an accident resulting in injury or death of any person or property damage in excess of $500 shall, within ten days after the accident**,** complete and file a Motor Vehicle Accident Report in accordance with N.J.S.A. 39:4-130.

(4) The parent(s) or legal guardian(s) of pupils involved in a school bus accident shall be notified as quickly as possible commensurate with the severity of the accident and injuries, if any, and hospital placement of their child if transported per ambulance report.

2. In the event the school bus driver is incapacitated, the following procedures will be implemented:

a. A school bus driver is incapacitated when he/she is unable to operate the school bus safely or when his/her driving ability is significantly impaired by the driver's physical or mental condition.

b. When the school bus driver is incapacitated, the adult monitor shall take charge of the bus and will be responsible for implementing these procedures.

c. If necessary, the bus will be stopped, with due consideration for the safety of its passengers, the motor turned off, the ignition key removed, and the auxiliary brake set.

d. If necessary, the adult monitor shall summon emergency medical services to aid the driver.

e. The adult monitor shall, in person or through a responsible delegate, immediately notify the Principal of the receiving school of the number and location of the bus and, to the extent that it is known, the condition of the driver.

f. The Principal of the receiving school shall immediately arrange for the transportation of the pupils by substitute driver, substitute bus, or other means.

3. In the event of an injury to a pupil on the bus, at a bus stop, or along a transportation route, not incurred as the result of a school bus accident, the following procedures will be implemented.

   a. In the absence of another responsible adult in authority, the school bus driver will take charge of a pupil who has been injured or disabled on a school bus, at a school bus stop, or along the transportation route traveled by the school bus.

   b. If necessary, first aid will be administered.

   c. If the pupil's injury is serious, emergency medical services will be summoned; the school bus driver or a responsible adult appointed by the bus driver will remain with the pupil until emergency medical help arrives.

   d. If the pupil's injury is not serious, and

      (1) Occurs on the way to the school, the school bus driver will deliver the injured pupil to the school nurse for examination and such treatment or referral as may be required. The school nurse will notify the pupil's parent(s) or legal guardian(s).

      (2) Occurs on the way to the pupil's home, the school bus driver will deliver the injured pupil to his/her parent(s) or legal guardian(s) or to a responsible adult at the pupil's home or if no one is home the injured pupil will be delivered to the nearest hospital emergency room.

      (3) Occurs on the way to or from an extracurricular event, the school bus driver will notify a professional staff member assigned to the activity, who will take charge of the pupil and notify the pupil's parent(s) or legal guardian(s).

   e. The school bus driver will immediately report the incident to the Principal of the school in which the pupil is enrolled. The Principal may request that the school medical inspector examine the pupil or may request the pupil's parent(s) or legal guardian(s) to submit the report, if any, of the examining physician.

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R 9000 COMMUNITY

Number	Title
R 9120	Public Information Program
R 9130	Public Complaints
R 9150	School Visitors
R 9180	School Volunteers
R 9270	Home Schooling and Equivalent Education (M)
R 9320	Cooperation with Law Enforcement Agencies (M)
R 9324	Sex Offender Registration and Notification

R 9120 PUBLIC INFORMATION PROGRAM

A. Standards of Presentation

1. Material released in the district's public information program should:

   a. Be factual, topical, newsworthy, and consistent with the educational goals adopted by the Board of Education;

   b. Represent the activities at all grade levels, subject areas, and not favor one school population or activity over another;

   c. Strive to interpret the educational program to the lay public and avoid the use of professional terminology; and

   d. Present an integrated district-wide picture of district-wide programs rather than fragmented information.

2. Information regarding an individual pupil, other than information classified as directory information in Policy No. 8330, shall be released only with the express written permission of the pupil's parent(s) or legal guardian(s) or the adult pupil. Pupil "information" includes verbal and photographic material, whether or not the pupil depicted is individually identified. Directory information regarding an individual pupil may be released only if the pupil's parent(s) or legal guardian(s) or the adult pupil has not prohibited its release in accordance with Policy No. 8330.

B. Preparation of Information for Public Distribution

1. Information will be released in a systematic manner to avoid confusion and misunderstanding.

2. Information planned for general public consumption should first be reviewed by interested district employees.

3. News bulletins issued by the school or departments within the district must identify the issuing school or department as a part of the school district. Thus all letterheads, bulletins, and publications must carry the full name of the Essex Fells Board of Education.

4. At least once each year, the Principal should prepare a bulletin or news item of interest in his/her building.

5. The office of the Superintendent will prepare and disseminate:

   a. An annual calendar of Board and school events open to the public;

   b. A district newsletter;

   c. Information about the proposed budget, in accordance with Policy No. 6230;

   d. News releases about Board activities and district-wide activities.

6. The Principal will prepare and disseminate the following public information publications.

   a. A pupil handbook will be given to each pupil enrolled in the school or to the pupil's parent(s) or legal guardian(s). The handbook will include, as appropriate to the grade levels in the school:

      (1) The organization of the school;

      (2) Rules for pupil conduct;

      (3) Pupil rights and responsibilities;

      (4) Information about school operations, health services, attendance, emergency closings, and the like;

      (5) Descriptions of pupil activities and programs;

      (6) The pupil grievance procedure; and

      (7) Academic requirements.

   b. A calendar of school events will be distributed to all pupils, parent(s) or legal guardian(s), and staff members.

   c. As appropriate to the grade levels of the school, a listing of course offerings and requirements will be distributed to all parents or legal guardians and pupils.



d. Programs for specific performances and athletic contests will be distributed to attendees and participants.

C. Release of Information to the Press

1. In accordance with Policy No. 9120, information determined by the Board to be of particular community impact and interest will be released to the press only by the Board.

2. Information regarding the activities of the school and of individuals in the school may be released to the press on the approval of the Superintendent.

3. All inquiries from members of the press will be referred to the Superintendent for response. A staff member who is requested to give an interview to a member of the press shall so inform the Superintendent, who may request to be present at the interview.

4. In the event of an unusual development in the school district that arouses substantial public interest, the Superintendent will accommodate the needs of the press by establishing a temporary press center.

   a. A room will be prepared, as close to the main office as feasible, and equipped with a telephone, computer, access to copying equipment, paper, and other equipment and supplies as may reasonably facilitate the tasks of reporters and photographers.

   b. Members of the press will be directed to gather in the pressroom, where they will hear and may question the district's spokesperson.

   c. All information about the unusual development will be relayed through the designated district spokesperson, who should be given direct access to the information and people necessary to the gathering of accurate data.

   d. School officials who are asked to give statements to the press regarding the development should seek the assistance of the Superintendent in drafting their statements.

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R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

All complaints addressed to the Board of Education, Board members individually, school officials, or district staff members shall be referred to the Superintendent for consideration in accordance with the following procedures.

A. Complaints Regarding a Teaching Staff Member Other Than an Administrator or Supervisor

1. First Level

a. The complainant will be directed to address the complaint to the teaching staff member.

b. The teaching staff member will make every reasonable effort to address the complaint and take appropriate action, if necessary, in accordance with district policies and regulations and within the teaching staff member's authority.

c. The teaching staff member will report the complaint in writing, and whatever action that may have been taken to resolve the complaint, to the teaching staff member's Principal or supervisor.

2. Second Level

a. If the complaint cannot be resolved to the complainant's satisfaction at A.1. above, the complainant may appeal the teaching staff member's resolution to the teaching staff member's Principal or supervisor.

b. The Principal or supervisor will take all reasonable and prudent steps to resolve the complaint and meet with the complainant to discuss the Principal or supervisor's resolution to the complaint.

3. Third Level

a. If the complaint cannot be resolved to the complainant's satisfaction at A.2. above, the complainant may, within five working days of their meeting with the teaching staff member's Principal or supervisor, submit a written request for a conference to the Superintendent. The



written request shall, at a minimum, include the specific nature of the complaint and a statement of the facts giving rise to it.

b. A copy of the complainant's written request for a conference will be submitted to the Board by the Superintendent.

c. Within seven working days of the Superintendent's receipt of the written request for a conference, the Superintendent shall conduct the conference, at a time convenient to the complainant and the Superintendent, and attempt to resolve the complaint informally.

d. The Superintendent shall record in writing their disposition of the complaint and shall, within ten working days of the conference, submit a copy of their written disposition to the complainant and the Board.

4. Fourth Level

a. A complaint that is not resolved to the complainant's satisfaction by a conference with the Superintendent at A.3.c. above or that seeks a remedy beyond the Superintendent's authority may be appealed by the complainant to the Board.

(1) The complainant shall, within three working days of their receipt of the Superintendent's written disposition, submit a written request with supporting documentation to the Superintendent for an informal hearing before the Board. The complainant's request, along with the Superintendent's disposition at A.3.d. above, shall be provided to the Board.

b. The Board shall decide whether to grant or deny the complainant's request for an informal hearing and provide their decision in writing to the complainant within five working days upon receiving the request for an informal hearing.

(1) If the Board denies the request for an informal hearing, the Board shall render a decision on the appeal and provide the decision in writing to the complainant within ten working days.

(2) If the Board grants the request for an informal hearing, the Board shall schedule the informal hearing within forty-five



working days upon receiving the request for an informal hearing. At the conclusion of the informal hearing, the Board shall render a decision and provide the decision in writing to the complainant within ten working days at the conclusion of the informal hearing.

(a) The Board may designate a committee of the Board to conduct an informal hearing with the complainant.

(b) The Board may permit the complainant to present witnesses.

(c) The Board will comply with the provisions of the Open Public Meetings Act and Bylaw 0162 regarding any public complaints, where applicable.

5. Reasonable efforts will be made to expedite time sensitive complaints.

B. Complaints Regarding a Support Staff Member

1. The complaint procedure set forth in A.1. above will be followed and the complainant will be directed to discuss the complaint first with the support staff member, if appropriate.

2. If the complaint cannot be resolved to the complainant's satisfaction at A.1. above, the complainant may follow the complaint procedure set forth in A.2. above.

3. If the complaint cannot be resolved to the complainant's satisfaction at A.2. above, the complainant may, within three working days of their meeting with the support staff member's supervisor, submit to the Superintendent a written request for a conference in accordance with A.3. above.

4. A complaint that is not resolved to the complainant's satisfaction by a conference with the Superintendent at A.3.c. above or that seeks a remedy beyond the Superintendent's authority may be appealed to the Board of Education in accordance with A.4. above.

C. Complaints Regarding an Administrative Staff Member or Supervisory Staff Member

1. The complainant shall discuss the complaint first with the administrative staff member or supervisory staff member who is the subject of the complaint.

2. An appeal of the discussion with the administrative staff member or supervisory staff member will be made directly to the Superintendent in accordance with A.3. above.

3. A complainant wanting to appeal the Superintendent's written disposition to the Board of Education shall follow the appeal procedures as outlined in A.4. above.

D. Complaints Regarding a Program, Practice, or Operation

1. A complaint regarding a district or school policy; procedure; program; or operation, including entitlement programs established by State or Federal law, should be addressed, initially, to the Superintendent who will refer the complaint to the appropriate administrator or supervisor.

2. A complaint that cannot be resolved to the complainant's satisfaction at D.1. above may be appealed to the Superintendent and, thereafter, the Board of Education in accordance with the procedures set forth in A.3. and A.4.

E. Complaints Regarding Textbooks, Instructional Supplies, and Resource Materials

1. Complaints regarding textbooks, instructional supplies, and resource materials used in the district shall be submitted in writing by the complainant to the Superintendent.

2. The written complaint shall, at a minimum, include:

a. The title, author, and publisher of the material at issue;

b. Sections of the material to which the complainant objects (by page(s) and item(s));

c. An explanation of the reason(s) for the objection;

d. The students or class for whom the material is intended; and

e. The way in which the material is used or presented to students.



3. Within seven working days of the receipt of the written complaint, the Superintendent shall appoint a review committee consisting of:

   a. The head of the department in which the material is being used;

   b. A teaching staff member in the subject area of the material;

   c. A Board of Education member;

   d. The Principal of the school in which the material is used or presented; and

   e. Any other staff member designated by the Superintendent.

4. The review committee will meet to evaluate the complaint and review the material at issue.

   a. The standards used by the review committee to review textbooks will be those set forth in Regulation 2510.

   b. The standards used by the review committee to review instructional supplies will be those set forth in Regulation 2520.

   c. The standards used by the review committee to review resource materials will be those set forth in Regulation 2530.

5. The review committee will report its findings and recommendations to the Superintendent within fifteen working days upon the appointment of the review committee.

6. The Superintendent will submit the review committee's findings and recommendations to the Board at the next regularly scheduled Board meeting.

7. If the Board acts to remove the material at issue or to limit access to the material at issue, its action will be accompanied by a statement of reasons for the removal or limitation.

   a. The Board shall render its decision within forty-five working days of receipt of the review committee's findings and recommendations.

8. A copy of the review committee's findings and recommendations and the Board's action, if any, will be given to the complainant within five working days of the Board's action.

9. The complainant will be informed, in writing, that a decision of the Board may be appealed to the Commissioner of Education as permitted by law.

Issued: 25 February 2026

R 9140 CITIZENS ADVISORY COMMITTEE

A. Appointment

In order to form the membership of advisory committees to the Board of Education, the President shall:

1. Appoint residents who are able and interested in the subject and concerned about the school;

2. Appoint a chairperson;

3. Appoint himself/herself and the Superintendent as ex-officio members of the committee;

4. Define the committee assignment in writing;

5. Appoint an administrator advisor.

B. Operation

1. All members of the committee, whether elected Board members, residents, or staff employees are intended to have the same rights, participation, and vote.

2. The chairperson shall call committee meetings, establish agenda, and provide liaison with staff where necessary.

3. It is expected that some committees will meet more often than others in accordance with a schedule determined by its membership.

4. Meetings of an advisory committee shall not be open to the public.

5. A committee chairperson may call a special meeting of his/her committee at any time with due consideration to applicable statutes, rules, and regulations.

C. Recommendations

1. Recommendations of advisory committees shall not reduce the responsibility of the Board, which shall be free to accept or reject the recommendations as it sees fit.

2. Members of committees who are not elected Board members may not make decisions nor bind the Board or the school district in matters that are reserved to Board members by law.

3. Matters concerned with individual school district employees or pupils are not appropriate matters for consideration by non-elected members of the committees, but the philosophy, goals, and objectives related to programs, organization, structure, resources, facilities, and finance are.

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R 9150 SCHOOL VISITORS

A. Definition

"Visitor" means any person present in a school building on a school day during the hours school is in session, other than those persons whose presence is required by their enrollment in the school or employment by the Board and includes, but need not be limited to, parents or legal guardians, family members, district residents, guests, educational researchers, and members of the Board. For the purposes of this regulation, "visitor" does not include persons present in the school building to attend meetings of the Board or events sponsored by organizations granted permission by the Board to meet in the school.

B. Registration

1. Every visitor is required to register in the school office.

2. A notice will be prominently posted at each entrance to the school building, advising visitors to report to the school office before advancing to any other part of the school. Additional signs should be posted in the lobby of the building to advise visitors not to proceed without registering in the school office.

3. The Principal will maintain a logbook in the main office of the school. Each visitor shall enter his/her name and the purpose of his/her visit in the logbook except that the Principal may exempt trades persons who make regular and frequent visits to the school.

4. Each visitor will be given an identification tag or badge, which must be worn while the visitor is in the school. The Principal may give a permanent identification tag or badge to a trades person who makes regular and frequent visits to the school.

5. The Principal or office personnel designated by the Principal shall arrange for an escort to accompany each visitor to his/her destination except that the Principal may permit visitors familiar with the school and personally known to the Principal to proceed unaccompanied.

6. A staff member who encounters a visitor without identification will request the visitor to report at the school office, and if feasible, conduct the visitor to the school office. A visitor who resists the request or refuses to be conducted to the school office shall be reported to the Principal immediately.

7. A teacher shall not admit a visitor to his/her classroom unless the visitor has the identifying tag or badge or is accompanied by the Principal or the Principal's designee.

8. When a visitor has completed the business of his/her visit, he/she will return directly to the school office, return the identification tag or badge, and promptly leave the building.

9. The provisions of this paragraph may be waived for parents or legal guardians attending scheduled parent-teacher conferences.

10. Board of Education members must follow the visitor guidelines as provided in Policy and Regulation 9150.

C. Permission to Visit Classroom

1. Permission to visit a classroom in session must be sought from and granted by the Principal.

2. In general, arrangements to visit a classroom should be made at least one day in advance of the intended visit.

3. If the intended visit would interfere with the planned instructional program, the Principal will so advise the visitor and suggest another time for the visit.

4. The Principal is authorized to exclude a visitor from a classroom if the Principal has reason to suspect that the visitor may disrupt the educational program or threaten the health and safety of pupils or staff members.

5. The parent(s) or legal guardian(s) who arrives at school without having sought advance approval of a classroom visit may be admitted to the classroom at the discretion of the Principal.

6. The Principal may arrange visits to classrooms by educators and student teachers with the cooperation and consent of the classroom teachers.

7. Teachers may invite guest speakers or observers to their classrooms with the approval of the Principal. Each such guest speaker and observer must sign the school logbook.

8. The Principal has the authority to evaluate all requests to visit a classroom. A denied request will be accompanied by an explanation of the denial. The parent(s) or legal guardian(s) who has been denied access to his/her child's classroom may appeal the Principal's decision to the Superintendent, whose determination may be appealed to the Board of Education in accordance with Policy No. 9130.



D. Limitations on Visits to School

1. Visitors are permitted in the school only during school hours.

2. A visitor may remove a pupil from school only in strict accordance with Policy No. 5230.

3. A visitor may confer with a pupil in the school only with the approval of the Principal and in the presence of a teaching staff member.

4. A visitor to a classroom shall not interrupt the instructional program, speak to or disturb pupils, or distract the teacher. A visitor who wishes to confer with the teacher must make arrangements for a conference at a later date.

5. A visitor may not bring a child or children to a classroom without the express permission of the teacher and the Principal.

6. A classroom visit may ordinarily not exceed sixty minutes without the express permission of the teacher and the Principal.

7. The Principal may restrict the number of visitors to any classroom at any one time. Preference will be given to the parent(s) or legal guardian(s) of pupils in the classroom.

E. Disruptive Visitors

1. The Principal has complete authority to exclude from school premises any person whom he/she believes may:

   a. Disrupt the instructional program;

   b. Disturb teachers or pupils; or

   c. Commit an illegal act.

2. A visitor whose presence or conduct is disruptive or whose conduct in the past suggests that he/she may be disruptive may be requested to leave the school premises. If the visitor so requested does not withdraw, the Principal may summon assistance from the Essex Fells Police Department.



3. A visitor who presents a serious and immediate threat to the health and safety of persons in the school may be subdued by appropriate means pending the arrival of law enforcement officers.

4. If the Principal has been alerted to dangerous persons in the vicinity of the school or has been informed that a person intends to enter the school with the intent of doing harm, the Principal may, in his/her discretion:

   a. Assign personnel to patrol entrances to the school and deny entrance to any person not properly identified or personally known to them;

   b. Secure the services of professional security personnel to monitor entrances; and/or

   c. Lock all school entrances other than the main entrance so that doors cannot be opened from the outside (taking all necessary steps to ensure that doors can be opened from the inside by pressure on crash bars).

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R 9180 SCHOOL VOLUNTEERS

A. Assignments

The tasks to which volunteers may be assigned include, but need not be limited to, the following:

1. Duplicating tests and other materials;

2. Helping with classroom housekeeping;

3. Typing class materials, tests, and the like;

4. Setting up audio-visual and other instructional equipment, if qualified to do so;

5. Helping children remove and don outerwear and boots;

6. Supervising the playground;

7. Correcting workbooks, as qualified to do so and as appropriate to the sensitivity of the materials;

8. Reading aloud and telling stories;

9. Assisting with the school library program;

10. Assisting pupils locate material in reference works;

11. Assisting with the school lunch program;

12. Serving as chaperones on field trips; and

13. Serving as resource persons in a special subject area.

B. Rules of Conduct for Volunteers

1. A volunteer may serve only under the direction and supervision of a teaching staff member.

2. A volunteer should perform no duties other than those expressly assigned him/her.

3. A volunteer must respect the individuality, dignity, and worth of each pupil. A volunteer must never punish or rebuke a pupil.

4. A volunteer must not seek access to records about an individual pupil. A volunteer must respect the confidentiality of any information gained about an individual pupil, by whatever means.

5. A volunteer who imparts information to pupils must be mindful of the age, maturity, and sensibility of those pupils and exercise proper care and discretion accordingly.

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R 9270 HOME SCHOOLING AND EQUIVALENT EDUCATION

Home schooling is an educational program provided at home, usually by the parent(s) or legal guardian(s) of the child. Children are taught using their own curriculum or published home school curriculum. The Board of Education recognizes that home schooling is an option for parent(s) or legal guardian(s) under the compulsory education law.

A. Legal Requirement for Compulsory Attendance

1. N.J.S.A. 18A:38-25 requires all children six to 16 years to attend the public schools or a day school in which there is given instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.

2. The parent(s) or legal guardian(s) of a child that is home schooled is responsible to ensure their child receives instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.

3. The Superintendent may report to the appropriate municipal authorities those children whom he/she has reason to believe are not offered instruction outside the school equivalent to that offered in the public schools for children of similar ages or attainments.

4. If the Superintendent makes a report, the parent(s) or legal guardian(s) of a pupil receiving instruction elsewhere other than school may notify the Superintendent of their child's educational program status and provide sufficient information to satisfy the district that equivalent instruction is being offered.

5. Parent(s) or legal guardian(s) of a home schooled pupil are not required to seek approval from the district or to submit materials to the Superintendent in order to permit it to make a determination as to the equivalency of the instruction.

B. Truancy/Violations of Compelling Attendance

1. When a Superintendent and Board believe a person is not complying with the compulsory education law (N.J.S.A. 18A:38-25 et seq.) they must initiate truancy proceedings in municipal court where a parent may be found guilty of a disorderly persons offense and fined in accordance with N.J.S.A. 18A:38-27 and N.J.S.A. 18A:38-31.

2. If the parent(s) or legal guardian(s) are challenged in court by the Superintendent or Board, the district must demonstrate, beyond a reasonable doubt, that the parents are not providing a curriculum that is academically equivalent to that provided in the public school for a child of similar grade and attainment.

C. District Requirements for Home Schooled Pupils

1. Unless requested by the parents, and agreed to by the school district, the school district is not required or permitted to:

   a. Test a child educated at home;

   b. Review the quality of instruction received at home; or

   c. To monitor the results of home instruction.

2. When children are educated at home and are not enrolled in a school, the school district will not provide entitlements or privileges of pupils enrolled in the school district unless specifically provided in the federal special education laws.

3. A child educated at home shall not receive a state endorsed high school diploma from the Board of Education.

D. Pupils With Disabilities

1. The Superintendent will consider requests for evaluation of all potentially disabled home schooled children and make determinations whether or not to conduct evaluations.

   a. If the school district's Child Study Team (CST) determines that an evaluation is required, the procedures as outlined in N.J.A.C. 6A:14 are followed.

   b. If the child is eligible for special education, the CST will determine a classification category and develop an Individualized Education Program (IEP) in accordance with N.J.A.C. 6A:14.

   c. Home schooled children with disabilities may be provided a special education program including related services.



d. If a home schooled child with disabilities re-enrolls in the public school, the school district must implement the special education program described in the IEP. The school district will also review the IEP annually and be ready to conduct re-evaluation every three years.

e. The school district will notify the parent(s) or legal guardian(s) of a classified child who is being educated at home to offer services as required by law. The documentation of this notice will be maintained in the child's record file.

f. Any determination by the school district CST regarding the provision of a special education program to a classified child who is being educated at home may be challenged by the parent(s) or legal guardian(s).

E. Curricular and Co-Curricular Activities

When children are educated at home and are not enrolled in a school, the school district is not required to provide any of the entitlements or privileges of pupils enrolled in the school district unless specifically provided in the federal special education laws.

1. Curricular activities - Home schooled children will not be permitted to participate in school curricular activities, (e.g. field trips).

2. Co-Curricular activities - Home schooled children will not be permitted to participate in school co-curricular activities, (e.g. clubs and athletics).

3. Textbooks - The school district will not loan books or materials to home schooled children.

Home Schooling in New Jersey
PTM NO. 1400.66 New Jersey Department of Education, 30 April 1997
Commissioner of Education Correspondence dated 9 April 1998

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R 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

A. Policy 9320 and this Regulation shall be in accordance with the provisions of N.J.A.C. 6A:16-6.2, the Uniform State Memorandum of Agreement between Education and Law Enforcement Officials (MOA), and shall be:

1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;

2. Reviewed and approved by the Executive County Superintendent;

3. Made available annually to all school district staff, students, and parents;

4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and

5. Consistent with N.J.A.C. 6A:16-7, as appropriate.

B. The school district's policies and procedures for cooperation with law enforcement agencies shall include the following components:

1. The Superintendent has designated school district staff as liaisons to law enforcement agencies in accordance with the MOA. The MOA includes a description of the liaisons' roles and responsibilities;

2. Specific procedures for and responsibilities of school district staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests shall be in accordance with the MOA;

3. Specific procedures and responsibilities of school district staff for notifying parents in instances of law enforcement interviews involving their children shall be consistent with the MOA and the following:

a. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;

b. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and

c. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;

4. Specific procedures for and responsibilities of school district staff in cooperating with arrests made by law enforcement authorities on school grounds shall be in accordance with the MOA;

5. Specific procedures for and responsibilities of school district staff in initiating or conducting searches and seizures of students, their property, and their personal effects shall be in accordance with the MOA and the following:

a. All searches and seizures conducted by school district staff shall comply with the standards prescribed by the United States Supreme Court in New Jersey v. T.L.O., 469 U.S. 325 (1985).

b. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.

c. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.

d. No school district staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

e. School district staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.

f. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or

the Director's designee in the New Jersey Department of Law and Public Safety.

g. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure, or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned Assistant Attorney General;

6. The procedures for and responsibilities of school district staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance; including anabolic steroids, drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;

7. Procedures for planning, approving, and conducting undercover school operations shall be in accordance with the MOA and the following:

   a. The Superintendent and Principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent shall approve undercover operations without prior notification to the Board of Education.

   b. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the Superintendent and Principal.

   c. The Superintendent and Principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.

   d. The Superintendent, Principal, or any other school district staff or Board member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to



the county prosecutor or designee if they subsequently learn of information that suggests the undercover officer's true identity has been revealed, the undercover officer's identity or status as a bona fide member of the school community has been questioned, or the integrity of the undercover school operation has been in any other way compromised;

8. The procedures for and responsibilities of school district staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities shall be in accordance with N.J.A.C. 6A:16-6.2, Policy and Regulation 5530, and the MOA;

9. The procedures for and responsibilities of school district staff in notifying authorities of a suspected violation of laws prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;

10. Provisions for requesting uniformed police attendance at extracurricular school events shall be in accordance with the MOA;

11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530;

12. Provisions for in-service training of school district staff concerning policies and procedures established in N.J.A.C. 6A:16-6, and the exchange of information regarding the practices of the school district and law enforcement agencies shall be in accordance with the MOA;

13. A MOA with appropriate law enforcement authorities in accordance with N.J.A.C. 6A:16-6, Policy 9320, and this Regulation;

14. An annual process for the Superintendent and appropriate law enforcement officials to discuss the implementation and need for revising the MOA, and to review the effectiveness of policies and procedures implemented pursuant to N.J.A.C. 6A:16-6.2 and the MOA;

15. Provisions for contacting the Chief Executive Officer of the involved law enforcement agency, county prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law enforcement activities occurring on school grounds shall be in accordance with the MOA;

16. Provisions for directing inquiries or complaints received by school district staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency shall be in accordance with the MOA; and

17. The Superintendent or designee shall designate a point of contact for each school building who shall be responsible for receiving all "Handle With Care" notices for students enrolled in that school building and for disseminating the notices to the appropriate school staff, in accordance with the New Jersey Attorney General Directive 2020-09 and the MOA.

C. Mandatory Reporting

1. There are seven offenses that must be reported to law enforcement if they qualify as mandatory reports, as set forth and explained in further detail in the MOA. These mandatory reports include:

   a. Whenever any school district staff has reason to believe a student is in unlawful possession of a controlled dangerous substance, related paraphernalia, cannabis, or is involved or implicated in distribution activities regarding controlled dangerous substances or cannabis, pursuant to N.J.A.C. 6A:16-6.3;

   b. Whenever any school district staff in the course of their employment develops reason to believe that a firearm or other dangerous weapon has unlawfully been possessed on or off school grounds, a weapon was used in an assault against a student or other school personnel, or that any student or other person has committed an offense with, or while in possession of, a firearm, whether or not such offense was committed on school grounds or during school operating hours, pursuant to N.J.A.C. 6A:16-5.5, 6A:16-5.6(d)4, and 6A:16-6.3(b);

   b. Whenever any school district staff in the course of their employment develops reason to believe that anyone has threatened, is planning, or otherwise intends to cause death, serious bodily injury, or significant



c. bodily injury to another person under circumstances in which a reasonable person would believe that the person genuinely intends at some time in the future to commit the violent act or to carry out the threat, pursuant to N.J.A.C. 6A:16-6.3(c) through (e);

d. Whenever any school district staff in the course of their employment develops reason to believe that a crime involving sexual penetration or criminal sexual contact has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities, pursuant to N.J.A.C. 6A:16-6.3(d);

e. Whenever any school district staff in the course of their employment develops reason to believe that an assault upon a teacher, administrator, other school Board employee, or district Board of Education member has been committed, with or without a weapon, pursuant to N.J.A.C. 6A:16-5.7(d)5;

f. Whenever any school district staff in the course of their employment develops reason to believe a "bias-related act" has been committed or is about to be committed on or off school grounds, pursuant to N.J.A.C. 6A:16-6.3(e); and

g. Whenever any school employee in the course of their employment develops reason to believe a student is potentially missing, abused, or neglected, pursuant to N.J.A.C. 6A:16-11.1(a)3i. through iii.

D. Nothing in the policies and procedures required under N.J.A.C. 6A:16-6 and Policy 9320 and this Regulation shall be construed to prohibit school district staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary, to protect the immediate health or safety of a student or other persons.

E. The Superintendent or designee shall annually review Policy 9320 and this Regulation as adopted by the Board to ensure each are in accordance with the requirements outlined in the MOA.

Adopted: 19 March 2025



R 9324 SEX OFFENDER REGISTRATION AND NOTIFICATION

A. Definitions

1. Tier One Offender - An offender that is a "low risk of re-offense", thus constituting a low risk of harm to the community. This offender is one who, because of the type of crime, the lack of violence in his/her behavior, the lack of a substantial criminal history and the existence of ties to the community presents no more than a possible risk of re-offense.

2. Tier Two Offender - An offender who is a "moderate risk of re-offense", thus constituting a moderate risk of harm to the community in that the pertinent documents demonstrate that they are reasonably likely to re-offend, warranting limited notice for the protection of the public.

3. Tier Three Offender - An offender who is a "high risk of re-offense" in that the available record demonstrates that there is a probable risk of re-offense, warranting notice to the community likely to encounter the offender.

4. Likely To Encounter - Law enforcement agencies, community organizations or members of the community who are in a location or in close geographic proximity to a location which the offender visits or can be presumed to visit on a regular basis.

5. Fair Chance to Encounter - The types of interaction which ordinarily occur at that location and other attendant circumstances demonstrate that contact with the offender is reasonably certain.

B. Notification To School District From the Law Enforcement Agency/County Prosecutor's Office

1. The Superintendent/Principal will be notified by the Prosecutor's Office, without the need to register to be notified, for all sex offenders classified as Tier Two or Tier Three Offenders. Local law enforcement agencies and/or the County Prosecutor's Office will determine there is a "fair chance to encounter" the offender in determining community notification. In any event the Superintendent/ Principal will be notified for all Tier Two and Tier Three Offenders.

2. The Building Principal(s) are entitled to receive the offender's name and a recent photograph, along with a physical description, the offense of which he/she was convicted, their address, place of employment and/or schooling, and vehicle license number.

3. The County Prosecutor's Office determines the specific schools, community organizations and residences to receive notification.

4. The County Prosecutor's Office and/or the appropriate law enforcement office will notify the Superintendent and the Principal of the targeted school(s). The Superintendent should not notify the target school(s), but may contact the Prosecutor's Office if the Superintendent thinks that a school in the notification area has been inadvertently omitted.

C. School District Procedure Upon Notification From the Law Enforcement Agency/County Prosecutor's Office

1. The Building Principal(s) will have the discretion to make the determination as to which employees within the school should be informed of the notification. The Building Principal should share the notice with any person who in the course of the duties of his/her employment or assignment is regularly in a position to observe unauthorized persons in or near the property of the notified school. If any persons to be notified by the Building Principal are employees of private contractors, the Principal or the Superintendent will notify the private vendor who will provide notice to the employees. The Building Principal will take appropriate steps to educate and alert those staff members who are charged with the care and supervision of children, emphasizing that this information is intended to assist staff members in the protection of their charges, not to provide notification to the community at large.

2. The Building Principal, in conjunction with the appropriate law enforcement agency and the County Prosecutor's Office will provide information, along with appropriate advice regarding the safeguarding of the school's children.

3. All school district staff are prohibited from releasing any of this information to the public at large. All inquiries from community members, non-affected school staff, all parent(s) or legal guardian(s) and other members of the general public shall be directed to the appropriate law enforcement agency and/or the County Prosecutor's Office.

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