POLICY GUIDE

2260 EQUITY IN SCHOOL AND CLASSROOM PRACTICES

In accordance with N.J.A.C. 6A:7-1.7(a), the Board of Education shall provide all students with equitable and bias-free access to all school facilities, courses, programs, activities, and services, regardless of the protected categories listed at N.J.A.C. 6A:7-1.1(a), by:

1. Ensuring barrier-free access to all school and classroom facilities;

2. Attaining, within each school, minority representation that approximates the district's overall minority representation. Exact apportionment is not required; the ultimate goal is a reasonable plan achieving the greatest degree of a representative balance that is feasible and consistent with sound educational values and procedures;

3. Utilizing, on an annual basis, a State-approved English language proficiency assessment that evaluates a student's English language proficiency on the four domains of listening, speaking, writing, and reading for determining the eligibility and placement of students who may be identified as multilingual learners, pursuant to N.J.A.C. 6A:15-1.3(a)3.;

4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities, pursuant to N.J.A.C. 6A:14-3.4;

5. Ensuring support services, including intervention and referral services and school health services, pursuant to N.J.A.C. 6A:16, are available to all students; and

6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary.

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

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

1. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a);

2. Ensuring courses shall not be offered separately on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a):

    a. Portions of classes that deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions based on gender identity, provided the course content for such separately conducted sessions is the same;

3. Increasing and promoting equitable representation of all students in all classes and programs;

4. Ensuring schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials and methods, and ensuring students understand the basic tenet of multiculturalism;

5. Ensuring the Amistad Commission Curriculum is infused into the curriculum and is taught;

6. Ensuring the Commission on Holocaust Education curriculum is included in the curriculum of all elementary and secondary schools, as developmentally appropriate, pursuant to N.J.S.A. 18A:35-28.; and

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



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Pursuant to N.J.A.C. 6A:7-1.7(c), the Board shall ensure all students have access to adequate and appropriate counseling services.

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

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

Pursuant to N.J.A.C. 6A:7-1.7(d), the Board shall ensure the district's physical education is in a co-educational setting that is developmentally appropriate and does not discriminate on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a)**,** as follows:

1. The district shall provide separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be comparable;

2. The district may choose to operate separate teams based on sex in one or more sports or single teams open competitively to members of all sexes, as long as the athletic program as a whole provides equal opportunities for students of all sexes to participate in sports at comparable levels of difficulty and competency; and

3. The activities comprising such athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.

N.J.S.A. 18A:35-28.; 18A:36-20**.**
N.J.A.C. 6A:7-1.1; 6A:7-1.3; 6A:7-1.7

Adopted: March 21, 2011
Revised: November 21, 2016
Revised: August 20, 2024
Revised:



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POLICY

LACEY TOWNSHIP
BOARD OF EDUCATION

3130 ASSIGNMENT AND TRANSFER

The Board of Education and the Superintendent will strive to assign teaching staff members to positions in which their service will best benefit the educational program of the district. Each teaching staff member must possess the certificate and endorsement appropriate to the position to which he/she is appointed. The Superintendent shall require each newly employed or reassigned teaching staff member to exhibit the appropriately endorsed certificate before the member assumes responsibility for the duties of the position.

The Board will approve an assignment that requires a teaching staff member's transfer to a different building, to a different seniority employment category, to a different tenure position, or to a nontenurable position only upon the recommendation of the Superintendent and by a roll call majority vote of the full membership of the Board. The Board will not withhold its approval of the Superintendent's recommendation for arbitrary and capricious reasons. A teaching staff member may be transferred without the teaching staff member's consent, except that no tenured teaching staff member will be transferred to a different tenure position or to a nontenurable position without the member's consent.

The Superintendent shall recommend such teaching staff member transfers as will contribute to the provision of a thorough and efficient educational system. No teaching staff member shall be transferred for disciplinary reasons. The Board will consider and may grant the request of a teaching staff member who requests transfer to a new position.

Teaching staff members shall be given written notice of their annual assignments no later than June 1st, but nothing in this policy shall preclude the reassignment of a teaching staff member at any time.

N.J.S.A. 18A:25-1; 18A:27-4.1; 18A:28-6

Adopted:

POLICY GUIDE

3212 ATTENDANCE

The regular and prompt attendance of teaching staff members is an essential element in the efficient operation of the school district and the educational program. Teaching staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of a teaching staff member's job performance.

Teaching staff members shall provide notice for the use of sick time as required in N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01 in accordance with the district's procedure for teaching staff members to report the use of sick leave and other absences. A teaching staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with statute, administrative code, or Board policy; falsifies the reason for an absence; is absent without authorization: is repeatedly tardy; or accumulates an excessive number of absences may be subject to appropriate consequences, which may include, but not be limited to, the withholding of a salary increment, termination, nonrenewal, and/or certification of tenure charges.

Sick leave is defined in accordance with N.J.S.A. 18A:30-1 and Policy and Regulation 1642.01. No teaching staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for by statute; administrative code; collective bargaining agreement; an individual employment contract; or the policies of the Board. The Superintendent or Board of Education may require verification to be filed with the Secretary of the Board in order to obtain sick leave in accordance with the provisions of N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01.

The Superintendent, in consultation with administrative staff members, will review the rate of absence among teaching staff members. The review will include the collection and analysis of attendance patterns ~~data~~, the training of teaching staff members in their attendance responsibilities, and the counseling of teaching staff members for whom regular and prompt attendance is a problem.

N.J.S.A. 18A:27-4; 18A:28-5; 18A:30-1; 18A:30-2; 18A:30-4

Adopted: August 18, 2015
Revised:

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POLICY

LACEY TOWNSHIP
BOARD OF EDUCATION

5516 **STUDENT** USE OF **INTERNET-ENABLED** DEVICES

The Board of Education prohibits student use of internet-enabled devices on school grounds during the school day in accordance with N.J.S.A. 18A:36-40b. The Board adopts this Policy and Regulation 5516 pursuant to N.J.S.A. 18A:36-40b. and the guidelines developed by the Commissioner of Education concerning student use of internet-enabled devices during regular school hours, on a school bus, or during school-sponsored events when the student is under the direct supervision of a teaching staff member or employee of the Board.

For the purpose of this Policy and Regulation 5516:

1. "Bell-to-bell" means the timeframe when the bell rings at the start of the school day until the dismissal bell rings at the end of the academic day. Bell-to-bell includes time in between class periods and lunch.

2. "Digital citizenship" means the development of thoughtful, empathetic citizens who can wrestle with important ethical questions at the intersection of technology and humanity. Model digital citizens focus on using technology to make communities better, engage respectfully online with others, and leverage technology to amplify voices and perspectives. They are careful to determine the validity of online sources of information and are always respectful of ideas different than their own.

3. "District-managed tools" means school-issued technology or platforms used for educational purposes (e.g., laptops, tablets, learning management systems, etc.).

4. "Internet-enabled device" means any device capable of connecting to the internet and accessing online content (e.g., smartphones, tablets, smartwatches, smart glasses, etc.), including social media applications. An internet-enabled device does not include an internet-enabled device provided by the Board when used for educational purposes.

5. "Non-internet-enabled device" means a basic communication device that is not capable of connecting to the internet or enabling the user to access content on the internet (e.g., basic flip-style cell phones, two-way radio/walkie-talkie, etc.).

6. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, not to include school buses, owned, operated, or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School

grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. "School grounds" also includes other facilities as defined in N.J.A.C. 6A:26-1.2; playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

A student's use of an internet-enabled device on a school bus or during school-sponsored events when the student is under the direct supervision of a teaching staff member or employee of the Board will be in accordance with the age-appropriate and grade-level differentiated requirements outlined in Regulation 5516.

District-issued technology and sponsored platforms are permitted to be used in classrooms for educational purposes. The district may use existing information technology systems to proactively establish and monitor restrictions to the district's network. The district may utilize device management software to restrict or monitor student browsing on school-issued devices or from devices connecting to the district's Wi-Fi. The Board shall notify students and parents about the monitoring practices in Policy and Regulation 2361.

The Board shall assume no responsibility for the security of or damage to a student's internet-enabled device brought onto school grounds. If a student brings an internet-enabled device to school, the internet-enabled device must remain off and may be required to be stored in a storage system as indicated in Regulation 5516. An internet-enabled device required to be stored in a district storage system shall be password protected by the student so only the student owner of the internet-enabled device can use the internet-enabled device.

The district shall provide instruction aligned to the New Jersey Student Learning Standards (NJSLS) on Digital Citizenship and shall ensure classroom instructional time is entirely free of internet-enabled devices. Teachers shall not incorporate students' personal technology into lesson plans. All digital engagement shall occur through district-managed tools and devices.

The district shall communicate behavioral expectations for student use of internet-enabled devices to students and their parent(s) and reinforce these behavioral expectations throughout the school year. Communication of this Policy and Regulation 5516 may include, but not be limited to, school-wide notifications, signage, and reinforcement as part of classroom routines.



The district shall comply with all applicable State and Federal laws that protect the rights of students with disabilities or health related needs, including, but not limited to, the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

Students shall be permitted to use their internet-enabled device on school grounds during the school day, on the school bus, and at school-sponsored events in the following circumstances in accordance with N.J.S.A. 18A:36-40b.:

1. To fulfill accommodations provided in a student's individualized education program (IEP);

2. To support the implementation of a 504 Plan;

3. To implement a student health plan established to monitor or address a student's health condition (upon submission by a parent of documentation from a healthcare professional indicating that the use of an internet-enabled device is necessary for the health or well-being of the student);

4. For translation services;

5. For a student caregiver who is routinely responsible for the care or well-being of a family member;

6. When no reasonable alternative to the use of the internet-enabled device for a specific purpose exists (upon authorization by the Superintendent, Principal, or designee);

7. When required by law; and

8. In the event of an emergency.

The **Superintendent** or designee will inform students and parents of their right to request an internet-enabled device accommodation. The parent(s) shall submit a written request to the **Superintendent** or designee. The written request shall include, but not be limited to, supporting documentation from the student's physician, child study team, and/or any other documentation as required by the **Superintendent** or designee as to why the student requires an internet-enabled device accommodation. The **Superintendent** or designee shall inform the parent(s) of the approval or denial of the written request for an internet-enabled device accommodation within five school days of receiving the written request.

The **Superintendent** or designee shall base such an accommodation determination on documented **educational,** medical, developmental, **accessibility,** or other needs **or specific purposes** and review them on a regular basis.

The **Superintendent** or designee may involve school nurses, case managers, and IEP/504 coordinators in planning for and implementing internet-enabled device accommodations. Staff responsible for implementation shall have ready access to documentation of the accommodation and shall ensure their enforcement strategies minimize disruption. The district shall develop and disseminate clear procedures to ensure staff implement internet-enabled device accommodations confidentially. Staff training may be necessary to recognize and honor valid internet-enabled device accommodations without drawing unnecessary attention to the student. Staff shall treat students with an internet-enabled device accommodation with sensitivity and dignity. As appropriate, the district may develop one-page "internet-enabled device use summaries" for staff to ensure awareness while maintaining student confidentiality.

Pursuant to N.J.A.C. 6A:16-5.1, the district has developed and implemented comprehensive plans, procedures, and mechanisms that provide for safety and security in the district's schools. School safety plans include thoughtful integration of internet-enabled device procedures during emergencies or perceived threats. The district has incorporated clear expectations into school safety plans, emergency drill protocols, and staff professional development.

In the event of an unplanned emergency closure that prevents students from retrieving stored internet-enabled devices, the district shall develop and communicate a clear, centralized protocol for retrieving stored internet-enabled devices safely and efficiently once the school building is accessible.

In the event of a family emergency or for non-emergency communication, families shall contact the school's main office directly rather than reaching out to students during the school day. District staff will then follow local notification procedures to ensure the student receives the information in a timely and appropriate manner.

The district shall ensure students, parents, and school staff members are aware of this Policy and Regulation 5516 and understand how this Policy and Regulation 5516 apply to them. The Board shall include information about this Policy and Regulation 5516 in student handbooks.



District staff shall apply clear, age-appropriate consequences and use strategies to redirect students who attempt to use internet-enabled devices. Discipline and consequences shall be addressed in Regulation 5516.

No student enrolled as a student of an elementary or secondary school, knowingly and without the express written permission of the Board, its delegated authority, or any Principal, shall bring or possess any remotely activated paging device on any property used for school purposes, at any time and regardless of whether school is in session or others are present pursuant to N.J.S.A. 2C:33-19.

N.J.S.A. 2C:33-19.
N.J.S.A. 18A:36-40a.; 18A:36-40b.
Guidance for Schools on Student Use of Internet-Enabled Devices,
New Jersey Department of Education, January 2026

Adopted: January 19, 2016
Revised: May 15, 2025
Revised:

REGULATION GUIDE

R 5516 STUDENT USE OF INTERNET-ENABLED DEVICES

The following age-appropriate and grade level differentiated provisions shall govern student use of internet-enabled devices on school grounds during the school day.

A. Pre-kindergarten through Grade Five

1. Students in Pre-kindergarten through grade five are prohibited from using an internet-enabled device on school grounds during the school day.

2. Students in Pre-kindergarten through grade five shall store their internet-enabled device using the following storage options for internet-enabled devices during the school day. It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the device.

    a. A student storage system – Each student who brings an internet-enabled device to school is expected to turn off their internet-enabled device and store it in their backpack, locker, or other bag throughout the entire school day.

3. Students in Pre-kindergarten through grade five shall be permitted to use their internet-enabled device on a school bus on their way to school at the start of the school day or on their way home from school at the end of the school day.

4. Students in Pre-kindergarten through grade five shall be permitted to use their internet-enabled device on school grounds before the start of the regular school day and on school grounds after the regular school day.

5. Students in Pre-kindergarten through grade five shall be permitted to use their internet-enabled device during school-sponsored events off school grounds during the school day while under the direct supervision of a school staff member or employee of the Board (e.g. field trip) only with the approval of the Principal or designee.

6. Students in Pre-kindergarten through grade five shall be permitted to use their internet-enabled device during school-sponsored events taking place outside of the school day when students are under the direct supervision of a school staff member or employee of the Board (e.g., afterschool club meeting, sport team practice/game, etc.) only with the approval of the Principal or designee.

7. Students in Pre-kindergarten through grade five are prohibited from using non-internet-enabled devices.



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8. Discipline

a. School staff members shall apply clear, age-appropriate consequences and use strategies to redirect students who use internet-enabled devices in violation of this Regulation and Policy 5516.

1) First Offense in a School Year

a) The internet-enabled device shall be taken from the student by a school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

c) The student will be permitted to pick up the internet-enabled device in the Principal or designee's office at the end of the school day.

d) The student will have the internet-enabled device returned upon signing an acknowledgment of their first offense in a school year in violation of this Regulation and Policy 5516.

e) The following discipline will be imposed on a student for a first offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone confiscation
2. Verbal Warning

2) Second Offense in a School Year

a) The internet-enabled device shall be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

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b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

c) The internet-enabled device must be picked up at the Principal or designee's office by a parent at the end of the school day.

d) If the parent cannot pick up the internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

e) The parent shall be required to sign for receipt of the internet-enabled device with notice provided of a second offense in a school year for their child.

f) The following discipline will be imposed on a student for a second offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone confiscation
2. Recess detention
3. Completion of reflection sheet

3) Third Offense in a School Year

a) The internet-enabled device shall be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.



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a) The internet-enabled device must be picked up at the Principal or designee's office by a parent at the end of the school day.

b) If the parent cannot pick up the internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

c) The parent shall be required to sign for receipt of the internet-enabled device with notice provided of a third offense in a school year for their child.

d) The following discipline will be imposed on a student for a third offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone confiscation
2. After School detention
3. Completion of a reflection sheet

2) Fourth Offense in a School Year

a) The internet-enabled device shall be taken from the student by the school staff member or employee of the Board and turned in to the Principal or designee's office for the remainder of the school day.

b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

c) The internet-enabled device must be picked up at the Principal or designee's office by a parent at the end of the school day.

d) If the parent cannot pick up the internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.



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e) The parent shall be required to sign for receipt of the internet-enabled device with notice provided of a fourth offense in a school year for their child.

f) The following discipline will be imposed on a student for a fourth offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone confiscation
2. Lunch, recess, and after school detention

B. Grade Six through Grade Eight

1. Students in grade six through grade eight are prohibited from using an internet-enabled device on school grounds during the school day.

2. Students in grade six through grade eight shall store their internet-enabled device using the following storage options for internet-enabled devices during the school day. It is the student's responsibility to turn off internet-enabled devices and have the internet-enabled device password protected to prevent any unauthorized use of the device.

   a. A student storage system – Each student who brings an internet-enabled device to school is expected to turn off their internet-enabled device and store it in their backpack, locker, or other bag throughout the entire school day.

3. Students in grade six through grade eight shall be permitted to use their internet-enabled device on a school bus on their way to school at the start of the school day or on their way home from school at the end of the school day.

4. Students in grade six through grade eight shall be permitted to use their internet-enabled device on school grounds before the start of the regular school day and on school grounds after the regular school day.

5. Students in grade six through grade eight shall be permitted to use their internet-enabled device during school-sponsored events off school grounds during the school day while under the direct supervision of a school staff member or employee of the Board (e.g. field trip) only with the approval of the Principal or designee.

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6. Students in grade six through grade eight shall be permitted to use their internet-enabled device during school-sponsored events taking place outside of the school day when students are under the direct supervision of a school staff member or employee of the Board (e.g., afterschool club meeting, sport team practice/game, etc.) only with the approval of the Principal or designee.

7. Students in grade six through grade eight are prohibited from using non-internet-enabled devices.

8. Discipline

    a. School staff members shall apply clear, age-appropriate consequences and use strategies to redirect students who use internet-enabled devices in violation of this Regulation and Policy 5516.

        1) First Offense in a School Year

            a) The internet-enabled device shall be taken from the student by a school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

            b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

            c) The student will be permitted to pick up the internet-enabled device in the Principal or designee's office at the end of the school day.

            d) The student will have the internet-enabled device returned upon signing an acknowledgment of their first offense in a school year in violation of this Regulation and Policy 5516.

            e) The following discipline will be imposed on a student for a first offense in a school year in violation of the provisions in this Regulation and Policy 5516:



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1. Phone confiscation
2. Verbal warning

2) Second Offense in a School Year

a) The internet-enabled device shall be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

c) The internet-enabled device must be picked up at the Principal or designee's office by a parent at the end of the school day.

d) If the parent cannot pick up the internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

e) The parent shall be required to sign for receipt of the internet-enabled device with notice provided of a second offense in a school year for their child.

f) The following discipline will be imposed on a student for a second offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone confiscation
2. Two (2) central office detentions

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3) Third Offense in a School Year

a) The internet-enabled device shall be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

c) The internet-enabled device must be picked up at the Principal or designee's office by a parent at the end of the school day.

d) If the parent cannot pick up the internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

e) The parent shall be required to sign for receipt of the internet-enabled device with notice provided of a third offense in a school year for their child.

f) The following discipline will be imposed on a student for a third offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone confiscation
2. In School detention

4) Fourth Offense in a School Year

a) The internet-enabled device shall be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

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b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

c) The internet-enabled device must be picked up at the Principal or designee's office by a parent at the end of the school day.

d) If the parent cannot pick up the internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

e) The parent shall be required to sign for receipt of the internet-enabled device with notice provided of a fourth offense in a school year for their child.

f) The following discipline will be imposed on a student for a fourth offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone confiscation
2. Referral to an Assistant Principal will be made for an In-school or Out-of-School Suspension

C. Grade Nine through Grade Twelve

1. Students in grade nine through grade twelve are prohibited from using an internet-enabled device on school grounds during the school day.

2. Students in grade nine through grade twelve shall store their internet-enabled device using the following storage options for internet-enabled devices during the school day. It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the device.



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a. A student storage system – Each student who brings an internet-enabled device to school is expected to turn off their internet-enabled device and store it in their backpack, locker, or other bag throughout the entire school day, unless a teacher requires an in-class storage station to be used.

b. In-class storage stations – A classroom or other instructional space may have a teacher-designated location where students are required to turn off, ensure the electronic communication device is passcode protected, and store the electronic communication device until the student leaves the classroom or other instructional space.

3. Students in grade nine through grade twelve shall be permitted to use their internet-enabled device on a school bus on their way to school at the start of the school day or on their way home from school at the end of the school day.

4. Students in grade nine through grade twelve shall be permitted to use their internet-enabled device on school grounds before the start of the regular school day and on school grounds after the regular school day.

5. Students in grade nine through grade twelve shall be permitted to use their internet-enabled device during school-sponsored events off school grounds during the school day while under the direct supervision of a school staff member or employee of the Board (e.g. field trip) only with the approval of the Principal or designee.

6. Students in grade nine through grade twelve shall be permitted to use their internet-enabled device during school-sponsored events taking place outside of the school day when students are under the direct supervision of a school staff member or employee of the Board (e.g., afterschool club meeting, sport team practice/game, etc.) only with the approval of the Principal or designee.

7. Students in grade nine through grade twelve are prohibited from using non-internet-enabled devices.

8. Discipline

a. School staff members shall apply clear, age-appropriate consequences and use strategies to redirect students who use internet or non-internet-enabled devices in violation of this Regulation and Policy 5516.

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1) First Offense in a School Year

a) The internet or non-internet-enabled device may be taken from the student by a school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

b) It is the student's responsibility to turn off the internet-enabled device and have the internet-enabled device password protected to prevent any unauthorized use of the internet or non-internet-enabled device before turning the internet-enabled device into the school staff member or employee of the Board.

c) The student will be permitted to pick up the internet or non-internet-enabled device in the Principal or designee's office at the end of the school day.

d) The student will have the internet or non-internet-enabled device returned upon signing an acknowledgment of their first offense in a school year in violation of this Regulation and Policy 5516.

e) The following discipline will be imposed on a student for a first offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Phone call home
2. Discipline referral and written administrative warning

2) Second Offense in a School Year

a) The internet or non-internet-enabled device may be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

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b) If the internet or non-internet-enabled device is confiscated, 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) If the internet or non-internet-enabled device is confiscated, it 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 internet or non-internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

e) If the parent cannot pick up the internet or non-internet-enabled 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 following discipline will be imposed on a student for a second offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Two (2) central office detentions

3) Third Offense in a School Year

a) The internet or non-internet-enabled device may be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

b) If the internet or non-internet-enabled device is confiscated, the student shall turn off the electronic communication device and ensure it is passcode protected before turning it in to a school staff member.

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c) If the internet or non-internet-enabled device is confiscated, it 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 internet or non-internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

e) The following discipline will be imposed on a student for a third offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Parent Conference (in-person)
2. In School detention

4) Fourth Offense in a School Year

a) The internet or non-internet-enabled device may be taken from the student by the school staff member or employee of the Board and turned into the Principal or designee's office for the remainder of the school day.

b) If the internet or non-internet-enabled device is confiscated, 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) If the internet or non-internet-enabled device is confiscated, it 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 internet or non-internet-enabled device by the end of the school day, the parent may pick up the internet-enabled device before the end of the next or any subsequent school day.

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e) The following discipline will be imposed on a student for a fourth offense in a school year in violation of the provisions in this Regulation and Policy 5516:

1. Referral to an Assistant Principal will be made for an In-school or Out-of-School Suspension

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Revised: September 18, 2025
Revised:



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POLICY GUIDE

5561 USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES FOR STUDENTS WITH DISABILITIES

The Board of Education strives to provide a safe, caring atmosphere that supports all students in the least restrictive environment. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain or seclude a student with a disability in accordance with N.J.S.A. 18A:46-13. through 13.7.

A school district, an educational services commission, or an approved private school for students with disabilities (APSSD) that utilizes physical restraint on students with disabilities shall ensure that:

1. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

2. A student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;

3. Staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the Board to be qualified to provide such training, and that the training is updated at least annually;

4. The parent of a student is immediately notified when physical restraint is used on the student. This notification may be by telephone or electronic communication. A post-incident written notification report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident;

5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in this Policy and Regulation 5561, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and



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6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan (IEP) meeting.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's behavior intervention plans developed by the IEP team.

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on students with disabilities shall ensure that:

1. A seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in this Policy and Regulation 5561, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next IEP meeting.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's behavior intervention plans developed by the IEP team.

The New Jersey Department of Education shall establish guidelines for school districts, educational services commissions, and APSSDs to ensure a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel.

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Pursuant to the review process the student's IEP team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or APSSD may determine to revise a staff member's professional development plan pursuant **to** N.J.S.A. 18A:46-13.7.

The Superintendent or designee may gather input from school staff members and parents of students with disabilities on this Policy and Regulation 5561. All students with disabilities and their parents shall be afforded the procedural safeguards provided by the Individuals with Disabilities Education Act (IDEA).

The Superintendent or designee shall report all incidents of restraint and seclusion through the Student Safety Data System (SSDS). The Superintendent or designee shall annually inform parents of students with disabilities about this Policy and Regulation 5561 regarding restraint and seclusion.

N.J.S.A. 18A:46-13.4.; 18A:46-13.5.; 18A:46-13.6.; 18A:46-13.7.
New Jersey Department of Education Restraint and Seclusion Guidance for Students with Disabilities – July 10, 2018

Adopted: April 23, 2012
Revised: July 16, 2018
Revised: October 15, 2018
Revised:

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POLICY GUIDE

6112 REIMBURSEMENT OF FEDERAL AND OTHER GRANT EXPENDITURES

The Cash Management Improvement Act (CMIA) and related Federal regulations require a State to minimize the time elapsing between the transfer of funds from the United States Treasury and the expenditure of funds for program purposes. This requirement applies to grantees such as the State of New Jersey and their subgrantees, such as a school district. The State of New Jersey and school districts must assure 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 as outlined in the NJDOE Policies and Procedures for Reimbursement of Federal and Other Grant Expenditures shall be followed by school districts in submitting reimbursement requests. Reimbursement requests for entitlement grant awards under the Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education Act (IDEA), the Strengthening Career and Technical Education for the 21st Century Act, and any other program designated by the NJDOE shall be made using the NJDOE's Electronic Web-Enabled Grant (EWEG) System.

Reimbursement requests by the School Business Administrator/Board Secretary or designee shall be made for individual titles and awards using the payment functionality of the EWEG system. Only one reimbursement request per month may be submitted for an individual title, award, or subgrant. Reimbursement requests may only be for expenditures that have already occurred or will occur within three business days of receipt of funds.

The submission of a reimbursement request constitutes a certification by the School Business Administrator/Board Secretary that the school district has previously made the appropriate expenditures and/or will make the expenditures within three business days of receipt of funds and that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant.

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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. The Superintendent or designee is responsible for submitting an amendment application to the NJDOE for approval if cumulative transfers among expenditure categories exceed ten percent of the total award. The Superintendent or designee is responsible for monitoring the cumulative ten percent level of fiscal change.

Reimbursement requests must be in accordance with approved grant applications. A reimbursement request may be submitted at any time after the subgrant has received final NJDOE approval. Reimbursement requests submitted at least ten business days before the end of the month but no later than the fifteenth day of the month will be reviewed and, if approved, processed for payment the first business day of the following month. School districts will normally receive payment by the fifth business day of the month and will be able to track the grant's payment history in EWEG through the payments link of the grant application.

Reimbursement requests must contain a brief description of the expenditures for which reimbursement is being requested. Individual line items need not be detailed. Expenditures must be supported by documentation at the school district level but 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. Documentation for salary expenditures is subject to the requirements of the Federal Uniform Grant Guidance. Documentation for all other expenditures must include evidence that the expenditures are allowable costs and of the relationship of the expenditure to the subgrant's cost objectives.

The NJDOE staff will review reimbursement requests to determine that they meet the subgrant's criteria. When a reimbursement request is approved or denied, the school district will receive an email notification through the EWEG system. Approval of a reimbursement request by NJDOE does not imply approval of the expenditures as allowable or appropriate to the subgrant's cost objectives as the approval of expenditures will continue to be processed through the final report.

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The School Business Administrator/Board Secretary or designee assumes responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended within three business days of receipt of funds.

New Jersey Department of Education Policies and Procedures for Reimbursement of Federal and Other Grant Expenditures – January 2023

Adopted: November 15, 2010
Revised: November 21, 2019
Revised: August 22, 2023
Revised:



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REGULATION GUIDE

R 6115.01 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – ALLOWABILITY OF COSTS

Expenditures must be aligned with approved budgeted items. Any changes or variations from the State-approved budget and grant application need prior approval from the State.

A. Delegation of Responsibility

When determining how the school district will spend its grant funds, the School Business Administrator/Board Secretary, will review the proposed cost to determine whether it is an allowable use of Federal grant funds before obligating and spending those funds on the proposed good or service.

B. Allowability Determinations

1. All costs supported by Federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E, which are listed below. The School Business Administrator/Board Secretary, must consider these factors when making an allowability determination. A section entitled, Helpful Questions for Determining Whether Costs are Allowable, is located at the end of this Regulation.

   2 CFR Part 200 sets forth general cost guidelines that must be considered, as well as rules for specific types of items, both of which must be considered when determining whether a cost is an allowable expenditure of Federal funds. The expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, nonregulatory guidance and grant award notifications.

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Restrictions in State and local rules or policy also must be considered. For example, travel and other job-related expenses incurred by employees are not allowable unless they also are in compliance with Policy and Regulation 6471 and related administrative regulations.

Whichever allowability requirements are stricter will govern whether a cost is allowable. General allowability determination factors include the following:

a. Be Necessary and Reasonable for the performance of the Federal award. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, "reasonable" means that sound business practices were followed, and purchases were comparable to market prices.

   When determining reasonableness of a cost, consideration must be given to:

   (1) Whether the cost is a type generally recognized as ordinary and necessary for the operation of the district or the proper and efficient performance of the Federal award.

   (2) The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; Federal, State and other laws and regulations; and terms and conditions of the Federal award.

   (3) Market prices for comparable goods or services for the geographic area.

   (4) Whether the individual incurring the cost acted with prudence in the circumstances considering responsibilities to the district, its employees, its students, the public at large, and the Federal government.

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(5) Whether the district significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost. (2 CFR 200.404)

Whether a cost is "necessary" will be determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need, and can prove it. For example, the school entity may deem a language skills software program necessary for a limited English proficiency program.

When determining whether a cost is necessary, consideration may be given to:

(1) Whether the cost is needed for the proper and efficient performance of the Federal award program.

(2) Whether the cost is identified in the approved budget or application.

(3) Whether there is an educational benefit associated with the cost.

(4) Whether the cost aligns with identified needs based on results and findings from a needs assessment.

(5) Whether the cost addresses program goals and objectives and is based on program data.

b. Allocable to the Federal award. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This means that the Federal grant program derived a benefit in

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proportion to the funds charged to the program. (2 CFR 200.405) For example, if fifty percent of a teacher's salary is paid with grant funds, then that teacher must spend at least fifty percent of their time on the grant program.

c. Consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the school entity.

d. Conform to any limitations or exclusions set forth as cost principles in 2 CFR Part 200 or in the terms and conditions of the Federal award.

e. Consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.

f. Adequately documented. All expenditures must be properly documented.

g. Be calculated in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in 2 CFR Part 200.

h. Not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such. Some Federal program statutes require the non-Federal entity to contribute a certain amount of non-Federal resources to be eligible for the Federal program.

i. Be the net of all applicable credits. The term "applicable credits" refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits



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accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate. (2 CFR 200.406)

C. Selected Items of Cost

2 CFR 200, Subpart E, sets forth principles to be applied in establishing the allowability of fifty-five specific cost items (commonly referred to as Selected Items of Cost), at 2 CFR 200.420 through 200.475. These specific cost items are listed in the chart below along with the citation to the section of Subpart E addressing the allowability of that item. These principles are in addition to the other general allowability standards, and apply whether or not a particular item of cost is properly treated as direct cost or indirect (Facilities and Administration) cost. Meeting the specific criteria for a listed item does not by itself mean the cost is allowable, as it may be unallowable under other standards or for other reasons, such as restrictions contained in the terms and conditions of a particular grant or restrictions established by the State or in Board policy. If an item is unallowable for any of these reasons, Federal funds cannot be used to purchase it.

School district personnel responsible for spending Federal grant funds and for determining allowability must be familiar with and refer to the 2 CFR Part 200 selected items of cost section. These rules must be followed when charging these specific expenditures to a Federal grant. When applicable, employees must check costs against the selected items of cost requirements to ensure the cost is allowable, and also check State, district and program-specific rules.

The selected item of cost addressed in 2 CFR Part 200 includes the following:

Item of Cost	Citation of Allowability Rule
Advertising and public relations costs	2 CFR 200.421
Advisory councils	2 CFR 200.422
Alcoholic beverages	2 CFR 200.423
Alumni/ae activities	2 CFR 200.424

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Audit services	2 CFR 200.425
Bad debts	2 CFR 200.426
Bonding costs	2 CFR 200.427
Collection of improper payments	2 CFR 200.428
Commencement and convocation costs	2 CFR 200.429
Compensation – personal services	2 CFR 200.430
Compensation – fringe benefits	2 CFR 200.431
Conferences	2 CFR 200.432
Contingency provisions	2 CFR 200.433
Contributions and donations	2 CFR 200.434
Defense and prosecution of criminal and civil proceedings, claims, appeals, and patent infringements	2 CFR 200.435
Depreciation	2 CFR 200.436
Employee health and welfare costs	2 CFR 200.437
Entertainment costs	2 CFR 200.438
Equipment and other capital expenditures	2 CFR 200.439
Exchange rates	2 CFR 200.440
Fines, penalties, damages, and other settlements	2 CFR 200.441
Fund raising and investment management costs	2 CFR 200.442
Gains and losses on disposition of depreciable assets	2 CFR 200.443
General costs of government	2 CFR 200.444
Goods and services for personal use	2 CFR 200.445
Idle facilities and idle capacity	2 CFR 200.446
Insurance and indemnification	2 CFR 200.447
Intellectual property	2 CFR 200.448
Interest	2 CFR 200.449
Lobbying	2 CFR 200.450
Losses on other awards or contracts	2 CFR 200.451
Maintenance and repairs costs	2 CFR 200.452
Materials and supplies costs, including costs of computing devices	2 CFR 200.453
Memberships, subscriptions, and professional activity costs	2 CFR 200.454

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Organization costs	2 CFR 200.455
Participant support costs	2 CFR 200.456
Plant and security costs	2 CFR 200.457
Pre-award costs	2 CFR 200.458
Professional services costs	2 CFR 200.459
Proposal costs	2 CFR 200.460
Publication and printing costs	2 CFR 200.461
Rearrangement and reconversion costs	2 CFR 200.462
Recruiting costs	2 CFR 200.463
Relocation costs of employees	2 CFR 200.464
Rental costs of real property and equipment	2 CFR 200.465
Scholarships and student aid costs	2 CFR 200.466
Selling and marketing costs	2 CFR 200.467
Specialized service facilities	2 CFR 200.468
Student activity costs	2 CFR 200.469
Taxes (including Value Added Tax)	2 CFR 200.470
Termination costs	2 CFR 200.471
Training and education costs	2 CFR 200.472
Transportation costs	2 CFR 200.473
Travel costs	2 CFR 200.474
Trustees	2 CFR 200.475

D. Helpful Questions for Determining Whether Costs are Allowable

1. In addition to applying the cost principles and standards described above, district staff involved in expending Federal funds should ask the following questions when assessing the allowability of a particular cost:

   a. Is the proposed cost allowable under the relevant program?

   b. Is the proposed cost consistent with an approved program plan and budget?

   c. Is the proposed cost consistent with program specific fiscal rules? For example, the school entity may be required to use Federal funds only to supplement the amount of funds available from non-Federal (and possibly other Federal) sources, or only as a match for funds from non-Federal sources.

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d. Is the proposed cost consistent with EDGAR?

e. Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

f. Is the proposed cost consistent with the underlying needs of the program? For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for Limited English Proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students.

g. Will the cost be targeted at addressing specific areas of weakness that are the focus of the program, as indicated by available data?

Any questions related to specific costs should be forwarded to the School Business Administrator/Board Secretary, who shall consult with the school solicitor for clarification as appropriate.

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POLICY GUIDE

6115.02 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – MANDATORY DISCLOSURES

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR 200.113 – Mandatory disclosures requires a non-Federal entity or applicant (a New Jersey Board of Education) for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or to the New Jersey Department of Education (NJDOE) all violations of Federal criminal law involving fraud, conflict of interests, bribery, or gratuity violations potentially affecting the Federal award.

If the Board of Education receives a Federal award including the terms and conditions outlined below as per 2 CFR 200 – Appendix XII – Award Term and Condition for Recipient Integrity and Performance Matters shall report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM). Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 – Remedies for noncompliance, including suspension or debarment. (See also 2 CFR 180, 31 USC 3321, and 41 USC 2313)

A. General Reporting Requirement

1. If the total value of all Board currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the Superintendent or designee, on behalf of the Board as the recipient during that period of time, must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system about civil, criminal, or administrative proceedings described in B. below.

2. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 USC 2313).

3. As required by section 3010 of Public Law 111-212, all information posted in designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

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4. The Superintendent or designee must disclose, in writing, any potential conflict of interest to the Federal agency or pass-through entity in accordance with the established Federal agency policies.

B. Proceedings About Which the Board Must Report

1. The Superintendent or designee must disclose, in writing, to the Federal awarding agency or to the NJDOE information required about each proceeding that:

a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal government;

b. Reached its final disposition during the most recent five-year period; and

c. Is one of the following:

(1) A criminal proceeding that resulted in a conviction, as defined in E. below;

(2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;

(3) An administrative proceeding, as defined in E. below, that resulted in a finding of fault and liability and the payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or

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(4) Any other criminal, civil, or administrative proceeding if:

(a) It could have led to an outcome described in B.1.c.(1), (2), or (3) above of this award term and condition;

(b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the school district's part; and

(c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

C. Reporting Procedures

1. The Superintendent or designee shall enter in the SAM Entity Management area the information that the SAM requires about each proceeding described in B. above.

2. The Superintendent or designee does not need to submit the information a second time under assistance awards the Board received if the Superintendent or designee already provided the information through the SAM because the Board was required to do so under Federal procurement contracts the Board was awarded.

D. Reporting Frequency

1. During any period of time when the Board is subject to the requirement in A. above, the Superintendent or designee must report proceedings information through the SAM for the most recent five-year period, either to report new information about any proceeding(s) the Board has not reported previously or affirm that there is no new information to report.

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2. If the Board has Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000, the Board must disclose semiannually any information about the criminal, civil, and administrative proceedings.

E. Definitions

1. For the purpose~~s~~ of this Policy:

a. "Administrative proceeding" for the purpose~~s~~ of 2 CFR 200 – Appendix XII and this Policy means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability. This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. "Conviction" for the purpose~~s~~ of 2 CFR 200 – Appendix XII and this Policy, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes:

(1) Only the Federal share of the funding under any Federal award with a Board ~~of Education~~ cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

2 CFR 200.113; 200.212

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POLICY GUIDE

6311 CONTRACTS FOR GOODS OR SERVICES FUNDED BY FEDERAL GRANTS

Any vendor providing goods or services to the school district to be funded by a Federal grant must be cleared for contract in accordance with the provisions of the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards (UGG), 2 CFR 200.214 – Suspension and Debarment.

The School Business Administrator/Board Secretary shall be responsible to check the web-based System for Award Management (SAM), accessible at www.sam.gov maintained by the United States government – the General Services Administration (GSA). The purpose of the SAM is to provide a single comprehensive list of individuals and firms excluded by Federal government agencies from receiving Federal contracts or Federally approved contracts or Federally approved subcontracts and from certain types of Federal financial and nonfinancial assistance and benefits.

The School Business Administrator/Board Secretary, upon opening of bids or upon receipt of proposals for goods or services to be funded by a Federal grant shall access the SAM to determine if the vendor has been disbarred, suspended, or proposed for disbarment. The School Business Administrator/Board Secretary shall also access the SAM list immediately prior to the award of a bid or contract to ensure that no award is made to a vendor on the list.

In the event a vendor under consideration to be awarded a bid or contract for goods or services to be funded by a Federal grant is on the SAM list or proposed for disbarment, the School Business Administrator/Board Secretary shall comply with the contracting restrictions as outlined in 2 CFR-200.

Continuation of current contracts and restrictions on subcontracting with vendors who are on the SAM list or proposed for disbarment shall be in accordance with the limitations as outlined in 2 CFR 200.

Any rejection of a bid or disqualification of a vendor who has been disbarred, suspended, or proposed for disbarment shall be consistent with the requirements as outlined in N.J.S.A. 18A:18A – Public School Contracts Law and all applicable State laws.

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POLICY GUIDE

The applicability of the provisions of this Policy apply to covered transactions as defined in 2 CFR 3485.220. A covered transaction is any contract that is awarded by the Board of Education that is covered under 2 CFR 180.210 and the amount of the contract is expected to equal or exceed $25,000, unless the Board chooses a lower threshold.

Compliance with the provisions of 2 CFR 200 and this Policy must be demonstrated by written evidence to be maintained by the School Business Administrator/Board Secretary. Examples of evidence include printouts of searches from the SAM, imprints from an ink stamp, or Avery or similar labels affixed to purchase orders memorializing performance of this verification.

2 CFR 200
2 CFR 3485.220
2 CFR 180.210

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