

Minutes of the proceedings of the **PUBLIC WORK MEETING** held on Wednesday, December 4, 2019, in the Cheryl Miller Porter, 3rd Floor Student Center, Teaneck High School, at 8:00 PM. *Dr. Ardie Walser, Board President, presided.*

I. Salute to the Flag

II. Presiding Officer's Meeting Notice Statement

"I hereby call to order the Public Work Session Meeting of the Teaneck Board of Education, held on Wednesday, December 4, 2019, in the Cheryl Miller Porter, 3rd Floor Student Center, Teaneck High School, at 8:00 PM. Adequate notice of this meeting has been sent to the Record, filed with the Municipal Clerk of the Township of Teaneck, posted to the district website and posted inside the Teaneck Board of Education, One Merrison Street, on September 7, 2019."

III. Roll Call

<i>Board Member</i>	<i>Present</i>	<i>Absent</i>
Ms. Fisher (Victoria)	x	
Mr. Ramirez (Martin)	x	
Mrs. Rappoport (Sarah)		x
Mr. Reiner (Gerald)	x	
Mr. Rodriguez (Sebastian)	x	
Mr. Rose (Howard)	x	
Ms. Sanders (Denise)	x	
Dr. Walser (Ardie)	x	
Mrs. Williams (Clara)	x	

IV. Reaffirmation of 2019-2020 District Goals

V. Superintendent's Report

- Board Presentations
 - Structural Deficit and Eugene Field Update by Melissa Simmons
- Superintendent provided information on the re-naming of Eugene Field

VI. Board Committee Reports

- A. Policy
- B. Board Operations
- C. School Operations and Curriculum

D. Finance and Budget

E. Personnel

VII. Public Comment (agenda ONLY)

VIII. Public Comment (non-Agenda)

Comments from the Student Body:

~ Over 300 students signed the petition to give off on Monday, Dec. 23, 2019; saving of substitute teachers, high absentism and Hanukkah starting

IX. Executive Session (required)

X. Adjournment

Mr. Rodriguez motioned to adjourn the workshop meeting at 11:52 pm. Said motion was seconded by Mr. Rose and carried by a unanimous vote.

<i>Motion: S. Rodriguez</i>	<i>Second: H. Rose</i>			
<i>Board Member</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Ms. Fisher (Victoria)	x			
Mr. Ramirez (Martin)	x			
Mrs. Rappoport (Sarah)				x
Mr. Reiner (Gerald)	x			
Mr. Rodriguez (Sebastian)	x			
Mr. Rose (Howard)	x			
Ms. Sanders (Denise)	x			
Dr. Walser (Ardie)	x			
Mrs. Williams (Clara)	x			

Respectfully submitted,

Melissa Simmons
Business Administrator/Board Secretary

Teaneck Public Schools

Mission: The Teaneck Public School District educates and empowers students by providing a high-quality, rigorous educational experience which prepares students for success within a diverse, global society.

Vision: The Teaneck Advantage: Educational Excellence for All

Goals for 2019-2020

GOAL 1: Teachers and administrators in the Teaneck Public Schools will further elevate academic programs by creating varied learning pathways and by improving student supports.

GOAL 2: The Teaneck Public Schools will continue to improve facilities and technology in support of 21st Century learning opportunities.

GOAL 3: The Teaneck Public Schools will execute effective communications and solidify quality relationships with educational partners within and throughout the community.

GOAL 4: The Teaneck Public Schools will create equitable and inclusive learning opportunities for all students.

GOAL 5: The Teaneck Public Schools will ensure operational excellence in hiring, developing and retaining staff.

POLICY

DECEMBER 4, 2019

Be It Resolved, that the Teaneck Board of Education, upon the recommendation of the Superintendent of Schools, approves the following Policy resolutions:

1. that the Board approve the **SECOND READING** of the following Policies:
 - 5337 - Service Animals
 - 5611 - Removal of Students for Firearms Offenses
 - 5612 - Assaults on District Bd of Ed. Members or Employees
 - 5613 - Removal of Students or Assaults with Weapons Offenses
 - 5756 - Transgender Students
 - 8461 - Reporting Violence, Vandalism, Harrassment
 - 8561 - Procurement Procedures for School Nutrition Programs
 - 2415.06 - Unsafe School Choice Options
 - 2431.3 - Practice & Pre-Season Heat Acclimation...
 - 5330.04 - Administering an Opioid Antidote
 - P7440 - School District Security
 - P7446 - School Security Program
 - P5517 - School District Issued IDs
 - P7510 Use of Facilities
 - P5533 Student Smoking
 2. Following Policies are Standard Strauss Esmay revisions/mandated statutory revisions:
 - 1642 Earned Sick Leave Law
 - 6112 Reimbursement of Federal & Other Grant Expenditures
 - 8600 Student Transportation
 - 8630 Bus Driver/Bus Aide Responsibilities
 - 8670 Transportation of Special Needs Students
 - 9210 Parent Organizations
 - 9400 Media Relations
 - 3159 Teaching Staff Member/School District Reporting Responsibilities
 - 3218 Use, Possession or Distribution of Substances (teaching staff mem.)
 - 4218 Use, Possession or Distribution of Substances (support staff)
 - 4219 Commercial Driver's License Controlled Substance & Alcohol Use Testing
- Board requested to pull the District Security program policy

Policy 01 thru 02

BOARD OPERATIONS

DECEMBER 4, 2019

Be It Resolved, that the Teaneck Board of Education, upon the recommendation of the Superintendent of Schools, approves the following Board Operations resolutions:

1. that the Board waive the provisions of Board Policy #7510 - Use of School Facilities for the 2019-2020 school year (for the period of Dec. 7, 2019 - Mar. 29, 2020) at no cost to the Teaneck Jr. Football for the use of Benjamin Franklin Gymnasium from 10:00am - 2:00pm for the custodian and building use fees. The dates are available pending the availability of the BF gymnasium.

Teaneck Jr. Football will also be using a classroom at the High School on the following Tuesdays and Thursdays starting Dec. 5, - Mar. 29, 2020. The dates are available pending the availability of the High school classroom.

The fees to rent the BF gymnasium with the custodial and security fees is as follows: 24days x \$300 per day for the gymnasium = \$7,200.00 plus custodian fees 4hrs each day x \$55.36 = \$5,314.56 and security fees \$30 per hour x 4 hrs per day x 24days = \$2,880 with a grand total of \$15,394.56.

The fees to rent the classroom at the High school is as follows: 26 days x \$50 per day = \$1,300.00. There is no custodial charge since it is run during the day from 4:00pm - 5:30pm with a grand total of \$1,300.00.

2. that the Board waive the provisions of Board Policy #7510 – Use of School Facilities for the 2019-2020 school year (for the period of December, 2019 through March 15, 2020) for the Teaneck Junior Soccer League for use of the Thomas Jefferson Middle School gymnasium at no cost. The fee for the use of Teaneck High School and Benjamin Franklin Middle School gymnasiums would be \$27.68/hr. at (50%) rate.

- Board requested a formal letter for waiving rental fees for use of facilities
- Board requested clearer listing of dates and days on the motions for the use of facilities

**SCHOOL OPERATIONS and
CURRICULUM**

DECEMBER 4, 2019

Be It Resolved, that the Teaneck Board of Education, upon the recommendation of the Superintendent of Schools, approves the following School Operations and Curriculum resolutions:

1. that the Board approve the annual update (attached) of the Uniform State Memorandum of Agreement between Education and the Law Enforcement Officials for the 2019-2020 School year.
 2. that the Board approve the volunteers for the 2019-2020 school year:
 1. Dominique James
 2. Joyella Roach
- Board requested to remove the item# 1 under School Ops

FINANCE AND BUDGET

DECEMBER 4, 2019

Be It Resolved, that the Teaneck Board of Education, upon the recommendation of the Superintendent of Schools, approves the following Finance and Budget resolutions:

1. that the Board approve payment of the following 2019-2020 bills and payroll, as detailed in lists attached to the Minutes of this meeting, including adjustments to previously approved bill payments, and that the Business Administrator/Board Secretary be hereby authorized to release the warrants in payments of these bills per the list appended to and made part of the minutes.

OCTOBER 1, 2019 through OCTOBER 31, 2019

General	\$10,104,450.30
Special Revenue	\$446,580.54
Enterprise	\$38,100.25
Food Service	\$192,149.93

Total of Approved Payments \$10,781,281.02

2. that the Board approve 2019-2020 budget transfers, previously approved by a member of the Finance Committee, which are attached and a part of the official record.
3. **WHEREAS**, the Board of Education has received the Report of the Board Secretary and the Report of the Treasurer of School Monies for the month of October 2019 and determined that both reports are in agreement; and
WHEREAS, in compliance with N.J.A.C. 6A:23A-16.10(c)3 the secretary has certified that, as of the date of the reports, no budgetary line item account has obligations and payments (contractual orders) which in total exceed the amount appropriated by the Board of Education except as noted; now
BE IT RESOLVED, that in compliance with N.J.A.C. 6A:23A-16.10(c)4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriate section) and upon consultation with the appropriate district officials, to the best of its knowledge, no major account or fund has been over-expended in violation of N.J.A.C.6A:23A-16.10(c)4, and that sufficient funds are available to meet the district's financial obligations for the remainder of the year (which would become a part of the Minutes of this meeting); and
BE IT FURTHER RESOLVED, that pursuant to P.L. 2004 Ch. 73 (S-1701), the Board certifies that after a review of the Secretary's Monthly Financial Report and upon consultation with the appropriate district officials, that there are no budgetary transfers that cumulatively exceed 10% that would require the approval of the Executive County Superintendent.

4. that the Board approve the attached list of Professional Development for the staff indicated for professional improvement or development, as approved by the Superintendent, (Grant funded \$0) (District funded \$4,887.40) (Title IV Funded \$2,100) total cost \$6,987.40.
5. that the Board approve the attached list of Student Field Trips, as approved by the Superintendent (Grant Funded \$2,469.26) and (District Funded \$7,688.16 (Parent Funded \$7,252.84) total cost \$17,410.26.
6. that the Board approve the attached list of Student Fundraising activities by school.
7. that the Board approve the contracts, for out-of-district tuition, for students who would require a Special Education program during the 2019-2020 school year, as per the attached list.
8. that the Board approve the following transportation quoted contract for the 2019-2020 school year for the After-School Math and Literacy program and submission of this agreement to the Executive County Superintendent of Schools for approval:

Route	Company	Destination	Per Diem Aide	Per Diem Vehicle	Total cost for 29 days
AFT0519-1	D&M Tours	Hawthorne	\$34	\$140	\$5,046.00
AFT0519-2	D&M Tours	Hawthorne	\$34	\$140	\$5,046.00
				Total	\$10,092.00

9. that the Board approve the application and the submission of the New Jersey Department of Education Division of Early Childhood Education 2020-2021 Preschool Expansion Aid (PEEA) One Year Preschool Program Plan for \$4,250,604 with a capacity of 441 Pre-K students.
10. that the Board accept a grant in the amount of \$1,000 from the Bergen County Utilities Authority 2019 Environmental Awareness Challenge Grant Program awarded to Thomas Jefferson Middle School.

11. that the Board approve compensation to Daniele Kaplan, licensed, board certified Art Therapist to conduct a workshop January 7, 2020 on Expression Through Art for a maximum of 12 students enrolled in the Young Women's Institute in an amount not to exceed \$200. The Young Women's Institute was started in 2005 and is sponsored by the Teaneck High School FORUM. The group was developed to assist young women (in 10th – 12th grade) to achieve the following: improved goal setting, academic achievement, and problem-solving skills. This workshop is grant funded through the FORUM. Account 20-010-100-300-73-50-G-H.
12. that the Board approve payment to JHAHEART, LLC., (Jabari Hall, Speaker) for presenting "JHasHeart's #BullyingStopsNow" presentation to K–2 students at Bryant School. The speaker will present to K-2 students during one session (dates TBD), at a cost not to exceed \$600.00. Title IV funds from account # 20-280-100-300-73-50-I-0 will be utilized.
13. that the Board approve payment to Telling Tales Publications, LLC. (Eleni Theodorou, Speaker) for presenting Noko's Culture of Compassion Campaign at Hawthorne Elementary School. The speaker will present to kindergarten and first grade students during six (6) separate sessions, three (3) per day, on 1/14/20 and 1/15/20, at a cost of \$250.00 per session, for a total not to exceed \$1,500. Funds from Title IV account # 20-280-100-300-73-50-I-0 will be utilized.
14. that the Board approve the Stipulation of Settlement between the parents of Student ID#103143 and the Teaneck Board of Education in the amount of \$47,957.00 tuition to Winston Preparatory School for the 2019-2020 school year and transportation.
15. that the Board must approve the additional locations added to the High school work experience program.
16. **BE IT RESOLVED THAT**, having requested proposals from qualified firms to serve as the school district's independent third party verification agent, the Teaneck Board of Education hereby approves the proposal submitted by DLB Associates and awards the contract to that firm for a cost of \$6,900 and otherwise in accordance with their proposal for the performance of the third party verification of projected energy savings to be realized from the proposed Energy Savings Plan as required by the Energy Savings Improvement Program Law, N.J.S.A. 18A:18A-4.6.

17. **Whereas**, the Board approved the original scope of work for the Pre-K classroom conversion project from CHA Consultants on August 21, 2019 Board meeting in the amount of \$77,000.

Whereas, the district is in need of additional scope items to be included as the Phase I and Phase II services for the Eugene Field Pre-K classroom conversion in the amount of \$33,000 for Phase I and \$35,000 for the Phase II with a total not to exceed 110% of the \$68,000 for the additional work.

18. **WHEREAS**, the Teaneck Board of Education ("Plan Sponsor") maintains the Teaneck Board of Education 403(b) Retirement Plan ("Plan"); and

WHEREAS, pursuant to Rev. Procs 2013-22 and 2019-39, and IRS Notice 2018-95, the Plan Sponsor amends the plan documents in a good faith effort to meet the requirements of law, regulations or other issuances regarding eligibility requirements and hardship distributions; and

WHEREAS, this amendment is intended as a good faith effort to comply with the requirements of eligibility to participate in the Plan and hardship distribution final regulations and is to be construed in accordance with the same. Both the Amendment and the eligibility and hardship distribution final regulations will supersede and inconsistent Plan provisions;

NOW THEREFORE, BE IT RESOLVED that the "Note" provisions set forth in the Adoption Agreement, "Employment Eligibility" is hereby restated and amended to read as follows:

{Note: An Employee normally works fewer than 20 hours per week if, for the 12-month period beginning on the date the Employee's employment commenced, the Employer reasonably expects the Employee to work fewer than 1,000 hours of service (as defined under section 410(a)(3)(C) of the Code) in such period, and, for each Plan Year ending after the close of that 12-month period, the Employee has worked fewer than 1,000 hours of service in the preceding 12-month period. Under this provision, an Employee who works 1,000 or more hours of service in the 12-month period beginning on the date the Employee's employment commenced or in a Plan Year ending after the close of that 12-month period shall then be eligible to participate in the Plan. Once an Employee becomes eligible to have Elective Deferrals made on his or her behalf under the Plan under this standard, the Employee cannot be excluded from eligibility to have Eligibility Deferrals made on his or her behalf in any later year under this standard. Careful attention must be paid to compliance with the 20-hour rule by the District as it is necessary to the tax-qualification of the Plan.}

{Note: Persons occupying an elected or appointive public office are not eligible for the Plan unless such office is one to which the individual is elected or appointed only if the individual has received training, or is experienced, in the field of education.}

BE IT FURTHER RESOLVED, that the "Note" provision set forth in the Adoption Agreement, "Hardship Distributions is hereby restated and amended to read as follows: {Note: if hardship distributions under the Plan are allowed, the Plan and Vendors will apply the IRS "safe harbor" rules for such distributions. Effective 1/1/2020, the plan will no longer suspend elective contributions following a hardship withdrawal. See section 5.5 of the Plan for more information.}

BE IT FURTHER RESOLVED that section 5.5 of the Basic Plan Document, "Hardship Withdrawals" is hereby restated and amended to read as follows: (see attached).

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE TOWNSHIP OF TEANECK IN THE COUNTY OF
BERGEN, NEW JERSEY AUTHORIZING THE USE OF
COMPETITIVE CONTRACTING FOR THE
SOLICITATION OF PROPOSALS FOR A SOLAR
POWER PURCHASE AGREEMENT IN CONNECTION
WITH ITS ENERGY SAVINGS IMPROVEMENT
PROGRAM**

WHEREAS, The Board of Education of The Township of Teaneck in the County of Bergen, New Jersey (the “Board” when referring to the governing body and the “School District” when referring to the legal entity and territorial area governed by the Board) has selected Energy Systems Group, Inc (ESG) to serve as its Energy Services Company (ESCO) to assist with the implementation of its Energy Savings Improvement Program, which is expected to include provision for a solar power purchase agreement among its proposed energy conservation measures; and

WHEREAS, pursuant to N.J.S.A. 18A:18A-4.1 *et seq.* and as prescribed by Local Finance Notice 2009-10, dated June 12, 2009, the Board may use competitive contracting in lieu of public bidding for procurement of a solar power purchase agreement; and

WHEREAS, pursuant to N.J.S.A. 18A:18A-4.3(a), the Board is required to pass a resolution authorizing the use of competitive contracting; and

WHEREAS, pursuant to N.J.S.A. 18A:18A-4.3(b), 4.4, 4.5 and 4.6, the competitive contracting process, including the preparation of a request for proposals (the “ESCO RFP”), solicitation of proposals, and award of a contract based upon the methodology set forth in the aforesaid RFP, must be administered by the Board’s purchasing agent, legal counsel or business administrator with the assistance of its ESCO; now, therefore,

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF TEANECK IN THE COUNTY OF BERGEN, NEW JERSEY, as follows:

Section 1. This Board of Education hereby determines to use competitive contracting pursuant to N.J.S.A. 18A:18A-4.1 *et seq.* and as prescribed by Local Finance Notice 2009-10, dated June 12, 2009, for the selection of a qualified power purchase agreement provider (“PPA Provider”) to assist with a proposed solar project to be undertaken in accordance with the School District’s Energy Savings Improvement Program and authorizes its ESCO, Energy Systems Group, Inc., to prepare a request for proposals (RFP) for the solicitation of the PPA Provider, to publish such solicitation as required by law and to take other steps necessary to enable the School District to enter into a power purchase agreement with the provider selected in accordance with the RFP. Other appropriate representatives of the School District are authorized to assist in the preparation, publication and review of the RFP and the proposals as permitted and required by law.

Section 2. This resolution shall take effect immediately.

20. **Whereas**, the Teaneck Board of Education in accordance with N.J.S.A. 18A:23-1 must have a certified External Audit of the district's accounts and financial transactions; and **Whereas**, the Teaneck Board of Education received the audit performed by Ferraioli, Wielkottz, Cerullo & Cuva, P.A. and discussed said audit at its public meeting held on December 4, 2019; now **Be It Resolved**, that the Teaneck Board of Education accepts the audit for the 2018-2019 school year, FY Ended June 30, 2019 and approves the Corrective Action Plan (CAP).
21. **Whereas**, the Emerson School district has a student in their Memorial Elementary school that has been deemed homeless under the McKinney Vento law. **Whereas**, the family's last district of residence is Teaneck. **Be It Resolved**, that the Teaneck Board of Education approve the tuition agreement for the Emerson School district student ID#8527468285 as a Teaneck resident under McKinney Vento law for 2019-2020 school year.
22. **Whereas**, the Fort Lee Public School district has two students in their High school that has been deemed homeless under the McKinney Vento Law. **Whereas**, the family's last district of residence is Teaneck. **Be It Resolved**, that the Teaneck Board of Education approve the tuition agreements for the Fort Lee School district students ID#7103283455 and ID#3217828654 as a Teaneck resident under McKinney Vento Law for the the 2019-2020 school year (Sept. - Nov. 2019).
23. **Whereas**, the district has a need to provide additional space for Pre-K disabled students as no additional space is conducive for an inclusion model in the district. **Whereas**, the district has the PEEA Grant and the ability to accept 18 students for the remainder of the 2019-2020 school year. **Be It Resolved**, that the Board approve the AUCC Academy provider to Grant an additional classroom space under the PEEA Grant and lease one classroom and lease the space within the PEEA classroom for up to twelve (12) PSD students to provide an inclusive setting as needed starting January 1, 2020 – June 30, 2020.
24. **Whereas**, the Teaneck Board of Education has terminated the services from Peggnet Computers as of December 31, 2019 who supported the technology that provided network monitoring and icloud backup for the district. **Whereas**, the district still has the need for the said services. **Be It Resolved**, that the Board approve the Computer Design & Integration (CDI) to provide network monitoring and icloud backup for the district beginning January 1, 2020-June 30, 2020 in the amount not to exceed 110% of the \$19,210.80 and a one-time setup fee of \$1,701.80.

- Board requested the attachment for the item#15

- Separate Phase I & II (need more information) Item#17

PERSONNEL

DECEMBER 4, 2019

Be It Resolved, that the Teaneck Board of Education, upon the recommendation of the Superintendent of Schools, approves the following Personnel resolutions:

1. that the Board approve the following certificated staff appointments, following a 90-day probationary period, effective dates as indicated, pending criminal history review:
 - a. Tomasina Schwarz, Special Education Teacher, at an annual salary of \$65,000 (TTEA MA/ step 5) assigned to Thomas Jefferson Middle School, effective January 02, 2020 through June 30, 2020, replacing Nina Demaio, resigned (PC#: 10-11-34/aoj).
 - b. Dennis Coppola, Middle School Mathematics Teacher, at an annual salary of \$60,000 (TTEA MA/ step 1) assigned to Thomas Jefferson Middle School, effective on November 25, 2019 through June 30, 2020, replacing Valerie Johnson, transferred (PC#: 10-11-66/anz).
 - c. Jane Fahey, School Nurse, at an annual salary of \$87,200 (TTEA MA/step 12) assigned to Whittier Elementary School, effective on January 13, 2020 through June 30, 2020, replacing Brittany Nagy, resigned (10-04-74/ats).
2. that the Board approve the following non-certificated staff appointments, following a 90-day probationary period, effective dates as indicated, pending criminal history review:
 - a. Joshua Small, Technology Support Specialist Level 1, at an annual salary of \$45,000 (off-guide), assigned to Central Administration Office, effective January 02, 2020 through June 30, 2020, new position.
 - b. Anthony Villar, Technology Support Specialist Level 1, at an annual salary of \$50,000 (off-guide), assigned to Central Administration Office, effective January 02, 2020 through June 30, 2020, new position.
 - c. Alban Islami, Technology Support Specialist Level 1, at an annual salary of \$50,000 (off-guide), assigned to Central Administration Office, effective on a date to be determined through June 30, 2020, new position.
 - d. Roy Bulter II, Technology Support Specialist Level 1, at an annual salary of \$50,000 (off-guide), assigned to Central Administration Office, effective January 02, 2020 through June 30, 2020, new position.

3. that the Board approve the following leaves of absences for the dates and reasons stated:
 - a. Employee #5097, miscellaneous leave from September 01, 2019 through January 01, 2020.

4. that the Board approve the following long term substitute teacher at \$260 per-diem, after twenty-one days of employment, assigned to a non-tenure track position, effective date as indicated, pending criminal history review:
 - a. Ana Mercedes, December 03, 2019 through a date to be determined, with no benefits, assigned to Teaneck High School, replacing employee #2530.
 - b. Lauren Raffaelli, December 12, 2019 through June 30, 2020, with no benefits, assigned to Teaneck High School, replacing employee #5116.

5. that the Board approve the following substitute nurses for the 2019-2020 school year, on an as needed basis, at \$275 per-diem:
 - a. Carol Leibowitz
 - b. Eloisa Cardona-Ruiz

6. that the Board ratify the salary of Emilio Jennette, as Interim Principal at Hawthorne Elementary School for the period of December 01, 2018 through June 30, 2019.

7. that the Board approve Adriana Bellini, student intern from William Patterson University, effective January 06, 2020 through May 29, 2020, pending medical clearance, and criminal history review:

8. that the Board approve the following teachers serving as teacher mentors to provisionally certified novice teachers as required under the New Jersey Department of Education Provisional Teaching Process:

<u>Novice Teacher</u>	<u>Mentor Teacher</u>	<u>School</u>
a. Alexa Jones	Elizabeth Robbins	Thomas Jefferson Middle School
b. Natalie De La Cruz	Rena San George	Thomas Jefferson Middle School

9. that the Board approve the following individuals Home Instructors, on an as needed basis, at \$50.00 per hour, for the 2019-2020 school year:
 - a. Payne Vazquez
 - b. Roberta Weiss
 - c. Barbara Finkelstein
 - d. Rena San George
10. that the Board approve payment to Eileen Glassey for conducting two AP Chemistry sections during zero period, stipend \$3,784, for the 2019-2020 school year.
11. that the Board approve the following Extra Work for Extra Pay assignments, for the 2019-2020 school year, at Teaneck High School, stipends in accordance with TTEA contract.

<u>Staff Member</u>	<u>Activity</u>	<u>Stipend Amount</u>
a. Luke Short	Marching Band - Asst. Dir.	\$6,308
b. Diana Baer	Chorographer	\$4,362

12. that the Board approve the following certificated staff members to serve on the Intervention and Referral Services (I&RS) Committee for the 2019-2020 school year, stipend \$948.00:
 - a. Joseph Tauriello
 - b. Jessica Brown
13. that the Board approve the following Extra Work for Extra Pay assignments, for the 2019-2020 school year at Benjamin Franklin Middle School, stipend in accordance with the TTEA contract:

<u>Staff Member</u>	<u>Activity</u>	<u>Stipend Amount</u>
a. Amy Moran	Gay/Straight Alliance	\$731
b. Dominique Chiu	Gay/Straight Alliance	\$731

14. that the Board approve the following substitute for the 2019-2020 school year, on an as-needed basis, at \$120 per-diem:
 - a. Susan Fanaras
 - b. Gary Tyler Adams

15. that the Board approve the following staff members for the School Climate Transformation Grant (SCTG-LEA) for their role as Goal Coordinator for the 2019-2020 school year, stipend not to exceed \$7,500, effective January 01, 2020 through June 30, 2020. Funds will be drawn from the SCTG-LEA account:
 - a. Adrienne Williams
 - b. Gregory Cooper

16. that the Board approve Dr. Lottie M. Watson for the School Climate Transformation Grant (SCTG-LEA) for her role as Project Director, for the 2019-2020 school year, stipend not to exceed \$15,000, effective January 01, 2020 through June 30, 2020. Funds will be drawn from the SCTG-LEA account.

POLICY GUIDE

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Service Animals
Jan 19

[See POLICY ALERT Nos. 207 and 217]

5337 SERVICE ANIMALS

In compliance with Title II of the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008, it is the Policy of the Board to permit use of a service animal by an individual with a disability in all areas of the district where the public is normally permitted: in district buildings; on district property; and on vehicles owned, leased, or controlled by the district. (28 CFR §35.136)

A. Definitions

1. "Act" means the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008.
2. "Designated administrator" means Principal or person designated by the Principal to coordinate these activities.
3. "District" means this school district.
4. "Handler" means the animal's owner **who is an individual with a disability** or a person, such as a trainer, assisting the owner with control of the service animal.
5. "Service animal" means a dog individually trained to do work or perform a specific job or task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (28 CFR §36.104)
 - a. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
 - b. The work or tasks performed by a service animal must be directly related to the individual's disability (e.g. navigation, alerting physical support and assistance, preventing or interrupting impulsive or destructive behaviors).



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Service Animals

- c. Work or tasks for the purposes of this definition do not include the provision of emotional support, well-being, comfort, therapy, companionship, or crime deterrence.

B. Generally

1. The district shall permit the use of a service animal by an individual with a disability unless:
 - a. The animal is out of control and the animal's handler does not take effective action to control it;
 - b. The animal is not housebroken.
2. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g. voice control, signals, or other effective means). (28 CFR §35.136(d))
3. If an animal is properly excluded, the district shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. (28 CFR §35.136(b))
4. If there are places in the district where it is determined to be unsafe for a handler and service animal, reasonable accommodations will be provided to assure the individual **with a disability has** equal access to the activity.
5. Unless the need for a service animal is readily apparent, the **individual with a disability or his/her parent handler** will be required to provide the district with information that:
 - a. The service animal is required because of a disability; and



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- b. What work or task the animal has been trained to perform.

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Service Animals

6. The district may not require documentation, including proof that the animal has been certified, trained, or licensed as a service animal; nor that the dog demonstrates its ability to perform the work or task. (28 CFR §35.136(f))
7. Individuals **with a disability** who have service animals are not exempt from local animal control or public health requirements.
8. Service animals must be licensed and registered in accordance with State and local laws.

C. Delegation of Responsibility

1. The district is not responsible for the care or supervision of a service animal, **in accordance with** ~~-(28 CFR §35.136(e)).~~
 - a. **The district is not responsible to pay for or provide a handler to aid the individual with a disability in the control of the service animal.**
 - b. **The district is responsible to provide assistance to an individual with a disability in performing the tasks required of the individual for the care and maintenance of the service animal.**
2. If the district normally charges individuals for damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. (28 CFR §35.136(h))
3. The district will designate relief areas for the service animal which will be included in mobility training and orientation of students and animals new to the school.

D. Notification and Responsibilities

1. In the event a service animal will be introduced as part of the school community, the designated administrator will develop a

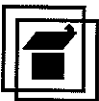


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comprehensive implementation plan prior to introduction of the service animal into the school to include:

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- a. Notification to parents of students who may be in contact with the service animal;
- b. **Appropriate accommodations:**
 - (1) **For students who are allergic to the service animal; and/or**
 - (2) **For students who have fears regarding the service animal.**
- cb. Appropriate etiquette regarding service animals to include:
 - (1) Never pet a service animal while it is working;
 - (2) Never feed a working service animal;
 - (3) Do not deliberately startle, tease, or taunt a service animal; **and**
 - (4) Do not hesitate to ask the handler if he or she would like assistance regarding directions **for navigating** ~~or~~ the facility.
- 2. The use of a service animal introduced as part of the school community will require inclusion into the student's Individualized Education Plan (IEP) or the student's Section 504 Accommodation Plan.
- 3. The district ~~may will require request, but cannot require,~~ that the owner of a service animal introduced as part of the school community and, as included in the student's IEP or Section 504 Accommodation Plan, maintain liability insurance for the service animal ~~in the amount required by the Board of Education.~~ **The School Business Administrator/Board Secretary will ensure the school district has appropriate insurance in the event a service animal is introduced as part of the school community.**



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E. Miniature Horses

1. Miniature horses, although not included in the Act under the definition of “service animal,” may only be permitted if individually trained to do work or perform tasks for the benefit of the individual with a disability and if they meet the assessment factors outlined in 3. below. (28 CFR §35.136(i))
2. Ponies and full size horses are not considered miniature horses.
3. Assessment factors to determine whether the district can reasonably modify its policies, practices, and procedures to allow for the use of miniature horses on its property, facilities, or vehicles include:
 - a. Type, size, and weight of the miniature horse and whether the facility can accommodate those features;
 - b. Whether the handler has sufficient control of the miniature horse;
 - c. Whether the miniature horse is housebroken; and
 - d. Whether the miniature horse’s presence compromises legitimate safety requirements necessary for safe operation.
4. All requirements for the use of service animals also apply to the use of miniature horses.

28 CFR §35.136
28 CFR §36.104

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Removal of Students for Firearms Offenses

Jan 19

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[See POLICY ALERT Nos. 135, 144, 147, 158, 203 and 217]

5611 REMOVAL OF STUDENTS FOR FIREARMS OFFENSES

The Board of Education is committed to providing a safe and secure school environment to all students attending the public schools. To provide this environment, the Board of Education will implement policies and procedures regarding student offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. §921, pursuant to The Zero Tolerance For Guns Act, N.J.S.A. 18A:37-7 through N.J.S.A. 37-12.

Policy and Regulation 5611 shall apply to a student who is convicted or adjudicated delinquent for possession of a firearm on school grounds, convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds, or found knowingly in possession of a firearm on school grounds. A student, other than a student with a disability, convicted or adjudicated delinquent for these firearm offenses shall be immediately removed from the school's general education program for a period of not less than one calendar year and placed in an alternative education program according to the requirements of N.J.A.C. 6A:16-9.1 et seq. **The Superintendent may modify on a case-by-case basis the removal of a general education student in accordance with N.J.A.C. 6A:16-5.5(b)1.** A student with a disability convicted or adjudicated delinquent for these firearm offenses shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the student in accordance with the requirements outlined in N.J.A.C. 6A:16-5.5(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed student did not commit these firearm offenses, the student shall be immediately returned to the program from which he or she was removed.



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Removal of Students for Firearms Offenses

The Superintendent shall make the final determination on whether the general education student removed in accordance with the requirements of N.J.A.C. 6A:16-5.5 and this Policy is prepared to return to the general education program or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1 **et seq.**, or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10 based on the criteria outlined in N.J.A.C. 6A:16-5.5(i).

If a student, other than a student with a disability, is removed from the general education program pursuant to N.J.A.C. 6A:16-5.5 and this Policy, and a placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction according to N.J.A.C. 6A:16-10.2 until placement is available.

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.5 utilizing the ~~Electronic Violence and Vandalism Reporting System~~ **Student Safety Data System (SSDS)**, pursuant to N.J.A.C. 6A:16-5.3(d)1.

This Policy and Regulation 5611, implementing the requirements of N.J.A.C. 6A:16-5.5, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.5; 6A:16-6.1 et seq.; 6A:16-7.1 et seq.;
6A:16-8.1 et seq.; 6A:16-9.1 et seq.; 6A:16-10.2

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Assaults on District Board of Education

Members or Employees

Jan 19

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[See POLICY ALERT Nos. 158, 203 and 217]

5612 ASSAULTS ON DISTRICT BOARD OF EDUCATION MEMBERS OR EMPLOYEES

Any student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, other school district employee, or Board member acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, shall be immediately removed from school pursuant to N.J.S.A. 18A:37-2.1 and N.J.A.C. 6A:16-5.7.

A student, other than a student with a disability, who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, shall be immediately removed from school consistent with due process procedures, pending a hearing pursuant to N.J.A.C. 6A:16-7.2 through 7.5. Nothing in N.J.S.A. 18A:37-2.1 or N.J.A.C. 6A:16-5.7 shall be construed as prohibiting the expulsion of a general education student. A student with a disability who commits an assault as defined in this Policy, shall be removed in accordance with N.J.A.C. 6A:14 and due process proceedings in accordance with N.J.A.C. 14-2.7 and 2.8.

In accordance with the provisions of N.J.S.A. 18A:37-2.1(a), said proceedings shall take place no later than thirty calendar days following the day on which the student is suspended. The decision of the Board shall be made within five days after the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety days of the Board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. § 1400 et seq.

The Principal or designee shall remove, isolate, and place the student under the supervision of school staff until the student's parent or appropriate agency takes custody of the student. The Principal or designee will immediately report to the Superintendent the removal of the student and notify the student's parent of the removal action and the student's due process rights. The Principal or designee will notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.



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Assaults on District Board of Education Members or Employees

In accordance with the provisions of N.J.S.A. 18A:37-2.1(b), whenever a teacher, administrator, Board member, other school district employee, or a labor representative on behalf of an employee makes an allegation in writing that the Board member or employee has been assaulted by a student, the Principal shall file a written report of the alleged assault with the Superintendent. The Superintendent shall report the alleged assault to the Board at its next regular meeting; provided that the name of the student who allegedly committed the assault, although it may be disclosed to the Board members, shall be kept confidential at the public Board of Education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to N.J.S.A. 18A:37-2.1 and N.J.A.C. 6A:16-5.7 may be liable to disciplinary action by the Board.

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.7 utilizing the ~~Electronic Violence and Vandalism Reporting System~~ **Student Safety Data System (SSDS)**, pursuant to N.J.A.C. 6A:16-5.3(e)1.

Policy and Regulation 5612, implementing the requirements of N.J.A.C. 6A:16-5.7, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-2.1

N.J.A.C. 6A:14-2.7; 6A:14-2.8; 6A:16-5.7; 6A:16-7.2; 6A:16-7.3; 6A:16-7.4;
6A:16-7.5

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Removal of Students for Assaults with
Weapons Offenses

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[See POLICY ALERT Nos. 203 and 217]

5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES

The Board of Education is committed to providing a safe and secure school environment to all students attending the public schools. To provide this environment, the Board of Education will implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, with a weapon, which includes, but is not limited to, items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, upon a teacher, administrator, other school Board employee, Board of Education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

A student, other than a student with a disability, who commits an assault as defined above shall be immediately removed from the school's general education program for a period not exceeding one calendar year and placed in an alternative education program according to the requirements of N.J.A.C. 6A:16-9.1 et seq. **The Superintendent may modify on a case-by-case basis the removal of a general education student in accordance with N.J.A.C. 6A:16-5.6(b)1.** A student with a disability who commits an assault as defined above shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the student in accordance with the requirements outlined in N.J.A.C. 6A:16-5.6(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed student did not commit these offense(s), the student shall be immediately returned to the program for which he or she was removed.

If a student, other than a student with a disability, is removed from the general education program pursuant to N.J.A.C. 6A:16-5.6 and this Policy, and a placement in an alternative education program is not available, the general



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education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10.2, until placement is available.

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Weapons Offenses

The Superintendent shall make the final determination on whether the general education student removed, in accordance with the requirements of N.J.A.C. 6A:16-5.6 and this Policy, is prepared to return to the general education program or will remain in an alternative education program or receive home or other out-of-school instruction based on the criteria outlined in N.J.A.C. 6A:16-5.6(i).

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident and the circumstance surrounding the removal of students pursuant to N.J.A.C. 6A:16-5.6 utilizing the ~~Electronic Violence and Vandalism Reporting System~~ **Student Safety Data System (SSDS)**, pursuant to N.J.A.C. 6A:16-5.3(e)1.

This Policy and Regulation 5613, implementing the requirements of N.J.A.C. 6A:16-5.6, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.6; 6A:16-6.1 et seq.; 6A:16-7.1 et seq.;
6A:16-8.1 et seq.; 6A:16-9.1 et seq.; 6A:16-10.2

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[See POLICY ALERT Nos. 204, 206 and 217]

5756 TRANSGENDER STUDENTS

The Board of Education is committed to providing a safe, supportive, and inclusive learning environment for all students. The New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-12(11)(f), generally makes it unlawful for schools to subject individuals to differential treatment based on gender identity or expression. Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in Federally-funded education programs and activities [20 U.S.C. § 1681(a)].

N.J.S.A. 18A:36-41 directs the Commissioner of Education to establish guidelines outlined in this Policy to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

Definitions/Terms

A safe and supportive environment within a school begins with understanding and respect. The Board believes students, teachers, and administrators should be provided with common terminology associated with gender identity. The terms listed below are commonly used by advocacy and human rights groups, however students may prefer other terms to describe their gender identity, appearance, or behavior. It is recommended school personnel discuss with the student the terminology and pronouns each student has chosen.

"Gender identity" means a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.

"Gender expression" means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.



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“Assigned sex at birth (ASAB)” refers to the biological sex designation recorded on a person’s birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.

“Gender assigned at birth” refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.

“Sexual orientation” describes a person’s enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.

“Transgender” is a term for an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.

“Transition” is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase “sex change,” as it is an inaccurate description of the transition process; the process is more accurately described as “gender-confirming.”

“LGBTQ” is an acronym for “lesbian, gay, bisexual, transgender, and queer/questioning.”

“Gender nonconforming” describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.

“Gender expansive, Gender diverse, Gender fluid, Gender non-binary, A gender, Gender queer” are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student’s gender identity.



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“Cisgender” refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

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Student-Centered Approach

The school district shall accept a student’s asserted gender identity; parental consent is not required. A student need not meet any threshold diagnosis or treatment requirements to have his or her gender identity recognized and respected by the school district, school, or school staff members. In addition, a legal or court-ordered name change is not required. There is no affirmative duty for any school district staff member to notify a student’s parent of the student’s gender identity or expression.

There may be instances where a parent of a minor student disagrees with the student regarding the name and pronoun to be used at school and in the student’s education records. In the event a parent objects to the minor student’s name change request, the Superintendent or designee should consult the Board Attorney regarding the minor student’s civil rights and protections under the NJLAD. School staff members should continue to refer to the student in accordance with the student’s chosen name and pronoun at school and may consider providing resource information regarding family counseling and support services outside of the school district.

School districts should be mindful of disputes between minor students and parents concerning the student’s gender identity or expression. Many support resources are available through advocacy groups and resources from the New Jersey Department of Children and Families and New Jersey Department of Education’s “Child Abuse, Neglect, and Missing Children” webpage.

The Principal or designee should have an open, but confidential discussion with the student to ascertain the student’s preference on matters such as chosen name, chosen pronoun to use, and parental communications. A transgender student shall be addressed at school by the name and pronoun chosen by the student, regardless of whether a legal name change or change in official school records has occurred. The school shall issue school documentation for a transgender student, such as student identification cards, in the name chosen by the student. A transgender student shall be allowed to dress in accordance with the student’s gender identity.

The Principal or designee should also discuss with the student, and any other individuals at the student’s request, the risks associated with the student’s transgender status being inadvertently disclosed. For example, the Principal or designee should inform the student the transgender status may be revealed due to



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other students' discussions at home. The Principal or designee should work with the transgender student to ensure awareness of activities and events that may inadvertently disclose the transgender student's status.

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Safe and Supportive Environment

The Board developed and adopted this Policy to ensure that its schools provide a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not.

The Superintendent or designee shall review and update existing policies and procedures, including those regarding classroom activities, school ceremonies, school photographs, and dress codes, to verify transgender students are not excluded. In addition, the school district shall take the following steps to establish and maintain a nondiscriminatory environment for all students, including transgender and transitioning students:

- The school district must comply with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7, which prohibit harassment, intimidation, and bullying. The Board is required to develop, adopt, and implement a Policy in accordance with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7 that prohibits harassment, intimidation, or bullying on school property, at a school-sponsored function, or on a school bus. If harassment, intimidation, or bullying based on gender identity creates a hostile environment, the school must take prompt and effective steps to end the harassment, intimidation, or bullying, prevent its recurrence, and, as appropriate, remedy its effects.
- The Superintendent or designee should ensure training is provided to school staff members on sensitivity and respect towards transgender students.
- Social and Emotional Learning (SEL) concepts should be incorporated into school culture and curricula.
- The school district may seek a variety of professionals, including counselors and school psychologists, to provide emotional supports for all students who demonstrate a need. The Superintendent or designee shall ensure school counselors are knowledgeable



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regarding issues and concerns relevant to transgender students, students facing other gender identity issues, or students who may be transitioning.

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- Student dress codes should not be enforced more strictly for transgender and gender nonconforming students than for other students.
- The school district shall honor and recognize a student's asserted gender identity, and shall not require any documentation or evidence in any form, including diagnosis, treatment, or legal name change.
- A school's obligation to ensure nondiscrimination on the basis of gender identity requires schools to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents, or community members raise objections or concerns.

Confidentiality and Privacy

School staff members may not disclose information that may reveal a student's transgender status except as allowed by law. The Principal or designee is advised to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The school district shall keep confidential a current, new, or prospective student's transgender status. Schools should address the student using a chosen name and the student's birth name should be kept confidential by school and school staff members.

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, the school district may be obligated to disclose a student's status. In this event, the Principal or designee should inform the student the school or school district intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. The school district should make every effort to ensure any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may



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include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

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During a harassment, intimidation, or bullying investigation the school district is obligated to develop a procedure to report, verbally and in writing, an act of harassment, intimidation, and bullying committed by an adult or youth against a student, pursuant to N.J.A.C. 6A:16-7.7(a)2viii. In this instance, the Principal or designee should inform the student of the school's obligation to report the findings of the harassment, intimidation, and bullying investigation pursuant to N.J.S.A. 18A:37-15(d), which permits the parents of the students who are parties to the investigation to receive information about the investigation in accordance with Federal and State law and regulation. Under harassment, intimidation, and bullying legal requirements, parents are entitled to know the nature of the investigation; whether the district found evidence of harassment, intimidation, or bullying; or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to N.J.A.C. 6A:16-7.7(a)2viii(2).

Disclosure of personally identifiable information from a student's education record to other school officials within the school district, whom the school district has determined have a legitimate educational interest in the information, may be permissible under Family Educational Rights and Privacy Act (FERPA) (34 C.F.R. § 99.31(a)(1)). The school district shall make a concerted effort to ensure school officials obtain access to only those education records in which they have legitimate educational interests.

The school district shall comply with all laws and regulations regarding the confidentiality of student records and student privacy, including the requirements set forth at 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7917, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A.



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18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil Records, creation, maintenance and

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retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as all other existing Federal and State laws and rules pertaining to student records and confidentiality.

School Records

If a student has expressed a preference to be called by a name other than their birth name, permanent student records containing the student's birth name should be kept in a separate, confidential file. This file should only be shared with appropriate school staff members after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept. If the student has previously been known at school or in school records by a birth name, the Principal or designee should direct school staff members to use the student's chosen name and not the student's birth name.

To ensure consistency among teachers, school administrators, substitute teachers, and other school staff members, every effort should be made to immediately update student education records (for example, attendance records, transcripts, Individualized Education Programs (IEP), etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student.

- The school district shall report to the New Jersey Department of Education (NJDOE) through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported.
- If the school district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.



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Activities

With respect to gender-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

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The school district shall:

- Provide transgender students with the same opportunities to participate in physical education as other students in accordance with their gender identity;
- Permit a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;
- Permit and support the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth; and
- Offer support in the creation of peer led educational groups.

Use of Facilities

All students are entitled to have access to restrooms, locker rooms, and changing facilities in accordance with their gender identity to allow for involvement in various school programs and activities.

In all cases, the Principal or designee must work with the student and school staff members so all parties are aware of facility policies and understand the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want this arrangement, others may be uncomfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may be uncomfortable using the changing facilities that correspond to the student's gender identity. Non-transgender students should also be afforded the option to use a private facility, such as a unisex facility or the nurse's restroom, should they feel uncomfortable.



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- The school district shall allow a transgender student to use a restroom or locker room based on the student's gender identity.
- Reasonable alternative arrangements shall be made if needed to ensure a student's safety and comfort. This direction for accommodations should come from the student.

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Transgender Students

The Superintendent or designee will make available to school staff members a variety of resources regarding professional development opportunities as sourced by the NJDOE as well as developmentally appropriate information for students regarding LGBTQ issues.

The Board adopts this Policy to help school and district administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq.

N.J.S.A. 18A:36-41; 18A:37-15
N.J.A.C. 6A:7-1.1 et seq.; N.J.A.C. 6A:16-7.7
New Jersey Department of Education – October 2018
Transgender Student Guidance for School Districts

Adopted:



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Reporting Violence, Vandalism, Harassment,
Intimidation, Bullying, Alcohol,
and Other Drug **Offenses Abuse**

Jan 19

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[See **POLICY ALERT Nos. 179, 180, 188, 193 and 217**]

8461 REPORTING VIOLENCE, VANDALISM, HARASSMENT, INTIMIDATION, BULLYING, ALCOHOL, AND OTHER DRUG **OFFENSES ABUSE**

The Board of Education shall observe "School Violence Awareness Week" during the week beginning with the third Monday in October of each year by organizing activities to prevent school violence. Activities shall include, but are not limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity, and tolerance. The Board shall invite law enforcement personnel to join members of the teaching staff in the discussions and provide programs for school employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence. **The Board of Education shall disseminate to students' parents an informational pamphlet prepared by the New Jersey Department of Education (NJDOE) on how a parent can limit a child's exposure to violence on television, cell phones, computers, and other electronic devices, on an annual basis pursuant to N.J.S.A. 18A:40-44.**

In accordance with N.J.A.C. 6A:16-5.3 aAny school employee who observes or has direct knowledge from a participant or victim of an act of violence; **including harassment, intimidation, and bullying;** or the possession and/or distribution of alcohol or other drugs on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Principal, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form adopted by the Board to include all of the incident detail and offender and victim information that are reported on the ~~Electronic Violence and Vandalism Reporting System (EVVRS)~~ **Student Safety Data System (SSDS).**

A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Policy 5512.

The Building Principal, for each incident ~~report~~ of violence; **including vandalism;** harassment, intimidation, **and bullying, vandalism, and alcohol and**



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~~other drug offenses or other drug abuse~~, shall review the incident report for accuracy; forward a copy of the incident report to the Superintendent; and notify

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the Superintendent of the action taken regarding the incident. 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.

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, **including** ~~vandalism~~, harassment, intimidation, **and** ~~or~~ bullying, **and vandalism**, pursuant to N.J.S.A. 18A:17-46. 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.

~~Twice~~ ~~Two times~~ each school year, **once** between September 1 and January 1 and **once** between January 1 and June 30, ~~at a public hearing held pursuant to N.J.S.A. 18A:17-46~~, the Superintendent shall report to the Board **at a public meeting** all acts of violence, **including** ~~vandalism~~, harassment, intimidation, **and** bullying, **vandalism**, and ~~incidents of alcohol and other drug offenses abuse~~ that occurred during the previous reporting period, **according to** ~~in accordance with~~ the provisions of N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the ~~NJDOE Department of Education~~. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by Federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of



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P.L. 2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The Commissioner shall promulgate guidelines for a program to grade schools for the

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purposes of N.J.S.A. 18A:17-46. The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within ten days of the receipt of a grade by the school and district.

Whenever it is alleged a school employee has knowingly falsified **reported information on acts of the report on** violence; or vandalism, harassment, intimidation, or bullying **or any incident included in the annual report on violence and vandalism** required under N.J.S.A. 18A:17-46, the Board shall make a determination regarding whether the employee committed the act. The Board shall provide written notice of the allegations to the employee and the employee shall be entitled to a hearing before the Board in accordance with the provisions of N.J.A.C. 6A:16-5.3(fg)2. Upon a determination by the Board that an employee has knowingly falsified **the reported information**, the Board may take appropriate action as outlined in N.J.A.C. 6A:16-5.3(g)3. ~~Any action taken by the Board 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. Any employee having been found responsible for the falsification of the report by the Board shall have the right to file a grievance under their respective bargaining agreements, appeal the Board's determination to the Commissioner of Education and subsequently to the State Board of Education, or appeal the decision to the Superior Court of New Jersey. The availability of appeal options shall be based upon the action taken by the Board.~~

The 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.

The Board shall provide ongoing staff training, in cooperation with the **NJDOE** Department of Education, in fulfilling the reporting requirements of N.J.S.A. 18A:17-46.



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N.J.S.A. 18A:17-46; 18A:36-5.1; **18A:40-44**

N.J.A.C. 6A:16-5.2; 6A:16-5.3

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Procurement Procedures for School
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[See POLICY ALERT Nos. 215, 216 and 217]

**[SCHOOL DISTRICTS NOT PARTICIPATING IN A UNITED STATES
DEPARTMENT OF AGRICULTURE'S (USDA) SCHOOL NUTRITION
PROGRAMS ARE NOT REQUIRED TO ADOPT POLICY 8561.]**

8561 PROCUREMENT PROCEDURES FOR SCHOOL NUTRITION PROGRAMS

The Board of Education adopts this Policy to identify their procurement plan for the United States Department of Agriculture's (USDA) School Nutrition Programs. School Nutrition Programs include, but are not limited to: the National School Lunch Program (NSLP); School Breakfast Program (SBP); Afterschool Snack Program (ASP); Special Milk Program (SMP); Fresh Fruit and Vegetable Program (FFVP); Seamless Summer Option (SSO) of the NSLP; Summer Food Service Program (SFSP); the At-Risk Afterschool Meals component of the Child and Adult Care Food Program (CACFP); and the Schools/Child Nutrition USDA Foods Program.

The Board of Education is ultimately responsible for ensuring all procurement procedures for any purchases by the Board of Education and/or a food service management company (FSMC) comply with all Federal regulations, including but not limited to: 7 CFR Parts 210, 220, 225, 226, 245, 250; 2 CFR 200; State procurement statutes and administrative codes and regulations; local Board of Education procurement policies; and any other applicable State and local laws.

The procurement procedures contained in this Policy will be implemented beginning immediately, until amended. All procurements must maximize full and open competition. Source documentation will be maintained by the School Business Administrator/Board Secretary or designee and will be available to determine open competition, the reasonableness, the allowability, and the allocation of costs.

The Board of Education intentionally seeks to prohibit conflicts of interest in all procurement of goods and services.



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A. General Procurement

The procurement procedures will maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities. The school district's plan for procuring items for use in the School Nutrition Programs is as follows:

1. The School Business Administrator/Board Secretary will ensure all purchases will be in accordance with the Federal Funds Procurement Method Selection Chart – State Agency Form #358 - Appendix. Formal procurement procedures will be used as required by 2 CFR 200.318 **through** .326 and any State and local procurement code and regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.
2. The following procedures will be used for all purchases:

Product/ Services	Estimated Dollar Amount	Procurement Method	Evaluation	Contract Award Type	Contract Duration/ Frequency

Micro-Purchases (2 CFR 200.67):

Non-Public Schools Only - Purchases of supplies or services, within the micro-purchase threshold (the aggregate amount does not exceed **the Federal micro-purchase threshold as set by 48 CFR 2.101 \$3,500** ~~as defined by 2 CFR 200.67~~) will be awarded without soliciting competitive price quotations if the price is reasonable. Purchases will be distributed equitably among qualified suppliers with reasonable prices. Records will be kept for micro-purchases.



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3. Formal bid procedures will be applied on the basis of:

[Choose one or more of the following:

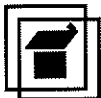
- ☐ centralized system;
- ☐ individual school;
- ☐ multi-school system; and/or
- ☐ State contract.]

4. Because of the potential for purchasing more than the public or non-public informal/small purchase threshold amount, or the Board approved threshold if less, it will be the responsibility of the School Business Administrator/Board Secretary to document the amounts to be purchased so the correct method of procurement will be followed.

B. Formal Procurement

When a formal procurement method is required, the following competitive sealed bid or an Invitation for Bid (IFB) or competitive proposal in the form of a Request for Proposal (RFP) procedures will apply:

1. An announcement of an IFB or a RFP will be placed in the Board designated official newspaper to publicize the intent of the Board of Education to purchase needed items. The advertisement for bids/proposals or legal notice will be published in the official newspaper for at least one day in accordance with the provisions of N.J.S.A. 18A:18A-21.
2. An advertisement in the official newspaper for at least one day is required for all purchases over the school district's small purchase threshold as outlined in Appendix – Federal Funds Procurement Method Section Chart. The advertisement will contain the following:
 - a. A general description of items to be purchased;
 - b. The deadline for submission of questions and the date written responses will be provided, including addenda to bid specifications, terms, and conditions as needed;



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- c. The date of the pre-bid meeting, if provided, and if attendance is a requirement for bid award;

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- d. The deadline for submission of sealed bids or proposals;
and
 - e. The address of the location where complete specifications
and bid forms may be obtained.
- 3. In an IFB or RFP, each vendor will be given an opportunity to bid
on the same specifications.
 - 4. The developer of written specifications or descriptions for
procurements will be prohibited from submitting bids or proposals
for such products or services.
 - 5. The IFB or RFP will clearly define the purchase conditions. The
following list includes requirements, not exclusive, to be addressed
in the procurement document:
 - a. Contract period;
 - b. The Board of Education is responsible for all contracts
awarded (statement);
 - c. Date, time, and location of IFB/RFP opening;
 - d. How the vendor is to be informed of bid acceptance or
rejection;
 - e. Delivery schedule;
 - f. Requirements (terms and conditions) the bidder must fulfill
in order for bid to be evaluated;
 - g. Benefits to which the Board of Education will be entitled if
the contractor cannot or will not perform as required;



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- h. Statement assuring positive efforts will be made to involve minority and small business;

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- i. Statement regarding the return of purchase incentives, discounts, rebates, and credits to the Board of Education's nonprofit school food service account;
- j. Contract provisions as required in Appendix II to 2 CFR 200;
- k. Contract provisions as required in 7 CFR 210.21(f) for all cost reimbursable contracts;
- l. Contract provisions as required in 7 CFR 210.16(a)(1-10) and 7 CFR 250.53 for food service management company contracts;
- m. Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding;
- n. Price adjustment clause for renewal of multi-year contracts as defined in N.J.S.A. 18A:18A-42. The "index rate" means the annual percentage increase rounded to the nearest half percent in the implicit price deflator for State and local government purchases of goods and services computed and published quarterly by the U.S. Department of Commerce, Bureau of Economic Analysis;
- o. Method of evaluation and type of contract to be awarded (solicitations using an IFB are awarded to the lowest responsive and responsible bidder; solicitations using a RFP are awarded to the most advantageous bidder/offeror with price as the primary factor among factors considered);
- p. Method of award announcement and effective date (if intent to award is required by State or local procurement requirements);



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- q. Specific bid protest procedures including contact information of person and address and the date by which a written protest must be received;

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- r. Provision requiring access by duly authorized representatives of the Board of Education, New Jersey Department of Agriculture (NJDA), United States Department of Agriculture (USDA), or Comptroller General to any books, documents, papers, and records of the contractor which are directly pertinent to all negotiated contracts;
- s. Method of shipment or delivery upon contract award;
- t. Provision requiring contractor to maintain all required records for three years after final payment and all other pending matters (audits) are closed for all negotiated contracts;
- u. Description of process for enabling vendors to receive or pick up orders upon contract award;
- v. Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the Energy Policy and Conservation Act (PL 94-163);
- w. Signed statement of non-collusion;
- x. Signed Debarment/Suspension Certificate, clause in the contract or a copy of search results from the System for Award Management (SAM);
- y. Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d) and USDA Guidance Memo SP 38-2017; and



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- z. Specifications and estimated quantities of products and services prepared by the school district and provided to potential contractors desiring to submit bids/proposals for the products or services requested.

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- 6. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by the School Business Administrator/Board Secretary or designee and will specify the deadline for all questions.
 - a. The School Business Administrator/Board Secretary will be responsible for securing all bids or proposals.
 - b. The School Business Administrator/Board Secretary will be responsible to ensure all Board of Education procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
 - c. The following criteria will be used in awarding contracts as a result of bids/proposals. Price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
- 7. In awarding a RFP, a set of award criteria in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award, but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations, a firm fixed price or cost reimbursable contract is awarded.
 - a. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the Board of Education, price as the primary, and other factors



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considered. Any and all bids or proposals may be rejected in accordance with the law.

- b. The School Business Administrator/Board Secretary or designee is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.

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- c. The School Business Administrator/Board Secretary shall review the procurement system to ensure compliance with applicable laws.
- d. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified was received.
- e. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. The contractor must inform the School Business Administrator/Board Secretary within one workday if a product is not available. In the event a nondomestic agricultural product is to be provided to the Board of Education, the contractor must obtain, in advance, written approval for the product. The School Business Administrator/Board Secretary must comply with the Buy American Provision.
- f. Full documentation regarding the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the School Business Administrator/Board Secretary.
- g. The School Business Administrator/Board Secretary is responsible for maintaining all procurement documentation.

C. Small Purchase Procedures



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If the amount of purchases for items is less than the school district's small purchase threshold as outlined in the Federal Funds Procurement Method Selection Chart – See Appendix, the following small purchase procedures including quotes will be used. Quotes from a minimum number of three qualified sources will be required.

1. Written specifications will be prepared and provided to all vendors.
2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three vendors shall be contacted.

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3. The School Business Administrator/Board Secretary or designee will be responsible for contacting potential vendors when price quotes are needed.
4. The price quotes will receive appropriate confidentiality before award.
5. Quotes/Bids will be awarded by the School Business Administrator/Board Secretary. Quotes/Bids will be awarded on the following criteria. Quote/Bid price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
6. The School Business Administrator/Board Secretary will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.
7. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.



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9. The School Business Administrator/Board Secretary or designee is required to sign all quote tabulations, signifying a review and approval of the selections.

D. Noncompetitive Proposal Procedures

If items are available only from a single source when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, noncompetitive proposal procedures will be used:

1. Written specifications will be prepared and provided to the vendor.

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2. The School Business Administrator/Board Secretary will be responsible for the documentation of records to fully explain the decision to use the noncompetitive proposal. The records will be available for audit and review.
3. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product or service specified was received.
4. The School Business Administrator/Board Secretary will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.
5. **Non-Public Schools Only** - The noncompetitive micro-purchase method shall be used for one-time purchases of a new food item if the amount is less than \$3,500 **the Federal micro-purchase threshold (2 CFR 200.67)** to determine food acceptance by students and provide samples for testing purposes. A record of noncompetitive negotiation purchase shall be maintained by the School Business Administrator/Board Secretary or designee. At a minimum, the record of noncompetitive purchases shall include: item name; dollar amount; vendor; and reason for noncompetitive procurement.



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6. A member or representative of the Board of Education will approve, in advance, all procurements that result from noncompetitive negotiations.

E. Miscellaneous Provisions

1. New product evaluation procedures will include a review of product labels and ingredients; an evaluation of the nutritional value; taste tests and surveys; and any other evaluations to ensure the new product would enhance the program.
2. The Board of Education agrees the reviewing official of each transaction will be the School Business Administrator/Board Secretary.

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3. Payment will be made to the vendor when the contract has been met and verified and has met the Board of Education's procedures for payment. (If prompt payment is made, discounts, etc., are accepted.)
4. Specifications will be updated as needed.
5. If the product is not as specified, the following procedure, including, but not limited to, will take place: remove product from service; contact vendor for approved alternate product; or remove product from bid.

F. Emergency Purchases

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, and the public exigency or emergency will not permit a delay resulting from a competitive solicitation, the purchase must be authorized using a purchase order signed by the School Business Administrator/Board Secretary. The emergency procedures to be followed for such purchases shall be those procedures used by the school district for other emergency purchases consistent with N.J.S.A. 18A:18A-7. All emergency procurements shall be approved by the School Business Administrator/Board Secretary. At a minimum, the



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following emergency procurement procedures shall be documented to include, but not be limited to: item name; dollar amount; vendor; and reason for emergency.

G. Purchasing Goods and Services – Cooperative Agreements, Agents, and Third-Party Services (Piggybacking)

1. When participating in intergovernmental and inter-agency agreements the Board of Education will ensure that competitive procurements are conducted in accordance with 2 CFR Part 200.318 **through** .326 and applicable program regulations and guidance.

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2. When utilizing the services of a co-op, agent, or third party the Board of Education will ensure that the following conditions have been met:
 - a. All procurements were subject to full and open competition and were made in accordance with Federal/State/local procurement requirements;
 - b. The existing contract allows for the inclusion of additional Board of Educations that were not contemplated in the original procurement to purchase the same supplies/equipment through the original award;
 - c. The specifications in the existing contract meets their needs and that the items being ordered are in the contract;
 - d. The awarded contract requires all the Federally required certifications; e.g. Buy American, debarment, restrictions on lobbying, etc.;
 - e. The agency will confirm the addition of their purchasing power (goods or services) to the procurement in scope or



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services does not create a material change, resulting in the needs to re-bid the contract;

- f. Administrative costs (fees) for participating in the agreement are adequately defined, necessary and reasonable, and the method of allocating the cost to the participating agencies must be specified;
- g. The Buy American provisions are included in the procurement of food and agricultural products; and
- h. The agreement includes the basis for and method of allocating each discount, rebate, or credit and how they will be returned to each participating agency when utilizing a cost-reimbursable contract.

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H. Records Retention

- 1. The Board of Education shall agree to retain all books, records, and other documents relative to the award of the contract for three years after final payment. If there are audit findings that have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. Specifically, the Board of Education shall maintain, at a minimum, the following documents:
 - a. Written rationale for the method of procurement;
 - b. A copy of the original solicitation;
 - c. The selection of contract type;
 - d. The bidding and negotiation history and working papers;
 - e. The basis for contractor selection;



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- f. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
- g. The basis for award cost or price;
- h. The terms and conditions of the contract;
- i. Any changes to the contract and negotiation history;
- j. Billing and payment records;
- k. A history of any contractor claims;
- l. A history of any contractor breaches; and
- m. Any other documents as required by N.J.S.A. 18A:18A – Public School Contracts Law.

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I. Code of Conduct for Procurement

- 1. All procurements must ensure there is open and free competition and adhere to the most restrictive Federal, State, and local requirements. The Board of Education seeks to conduct all procurement procedures in compliance with stated regulations and to prohibit conflicts of interest and actions of employees engaged in the selection, award, and administration of contracts. All procurements will be in accordance with this Policy and all applicable provisions of N.J.S.A. 18A:18A – Public School Contracts Law.
- 2. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal, State, or local award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent; any member of his or her immediate family, his or her partner; or an organization which employs or is about to employ any of the parties indicated herein has a financial



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or other interest in or a tangible personal benefit from a firm considered for a contract.

3. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
4. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.
5. All questions and concerns regarding procurement solicitations, contract evaluations, and contract award, shall be directed to the School Business Administrator/Board Secretary.

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Nutrition Programs

J. Food Service Management Company (FSMC)

1. In the operation of the school district's food service program, the school district shall ensure that a FSMC complies with the requirements of the Program Agreement, the school district's Free and Reduced School Lunch Policy Statement, all applicable USDA program policies and regulations, and applicable State and local laws. In order to operate an a la carte food service program, the FSMC shall agree to offer free, reduced price, and full price reimbursable meals to all eligible children.
2. The school district shall monitor the FSMC billing invoices to ensure compliance with Federal and State procurement regulations.
3. In accordance with N.J.S.A. 18A:18A-5a.(22), RFPs are required in all solicitations for a FSMC.

N.J.S.A. 18A:18A – Public School Contracts Law
New Jersey Department of Agriculture



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"Procurement Procedures for School Food Authorities" Model Policy – September 2018

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APPENDIX

FEDERAL FUNDS PROCUREMENT METHOD SELECTION CHART		
THERE ARE TWO (2) PROCUREMENT METHODS, FORMAL AND INFORMAL. THE METHOD THE SCHOOL FOOD AUTHORITIES (SFA) NEEDS TO USE DEPENDS ON TWO (2) FACTORS, THE AMOUNT OF THE CONTRACT AND WHETHER THE SFA IS A PUBLIC/CHARTER OR NON-PUBLIC SCHOOL.		
NEW JERSEY PUBLIC/CHARTER SCHOOLS PURCHASING THRESHOLDS		
AMOUNT	ACTIVITY	PROCUREMENT METHOD
INFORMAL PROCUREMENT		
Below \$4,350 without QPA	N.J.S.A 18A:18A-3	Sound Business Practice *
Below \$6,000 with QPA	APPLIES TO PURCHASES BELOW THE QUOTATION THRESHOLDS	
SMALL PURCHASE QUOTATION PROCEDURES		
\$4,351 OR \$6,001 up to \$29,000 or \$40,000	N.J.S.A. 18A:18A-37 ANY PURCHASE EXCEEDING QUOTATION THRESHOLDS REQUIRES A QUOTE UP TO THE APPLICABLE N.J.S.A. BID THRESHOLDS OF \$29,000 (without a QPA*) OR \$40,000 (with a QPA*)	Quotation using SFA Internal Procurement Procedures
NOTE: ANNUAL AGGREGATE AMOUNTS		
FORMAL PROCUREMENT		
\$29,000 or \$40,000 and above	N.J.S.A. 18A:18A-37 Bid Threshold without a QPA* - \$29,000 Bid Threshold with a QPA* - \$40,000	Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)
* QUALIFIED PURCHASING AGENT		
NEW JERSEY NON-PUBLIC SCHOOL PURCHASING THRESHOLDS		
AMOUNT	ACTIVITY	PROCUREMENT METHOD
INFORMAL PROCUREMENT		
Below \$10,000 *	Micro - purchases 2 CFR 200.320(a) Single Transaction aggregate cost less than \$10,000	Sound Business Practice *
* Or LESS than \$10,000 if local SFA Procurement Policies are more restrictive		
\$10,001 - \$249,999	Small purchase procedures 2 CFR 200.320(b)	Quotation using SFA Internal Procurement



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		Procedures
FORMAL PROCUREMENT		
\$250,000 and above	As per Federal requirements in 2 CFR Parts 200.317 - 200.326	Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)

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Note: The Federal Funds Procurement Method Selection Chart is subject to change in accordance with the schedule set forth in N.J.S.A. 18A:18A-3 "Public School Contracts Law". A "Qualified Purchasing Agent" must be qualified in accordance with N.J.S.A. 40A:11-9. In order to track updates to this Chart, the source document can be located on the New Jersey Department of Agriculture's website under "Forms and Publications" it is titled, "State Agency Form #358."

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[See **POLICY ALERT** Nos. 167, 211 and 217]

2415.06 UNSAFE SCHOOL CHOICE OPTION

The New Jersey Department of Education (NJDOE) is required to establish an Unsafe School Choice Option (USCO) Policy per the Elementary and Secondary Act (ESEA) of 1965, as reauthorized under the Federal Every Student Succeeds Act of 2015 (ESSA). The USCO Policy requires that students who attend a persistently dangerous public elementary or secondary school as determined by the NJDOE, or become victims of a violent criminal offense while in or on school grounds of a public school that they attend, be allowed to attend a safe public school within the district. The USCO provision under the ESSA contains two provisions that apply to school districts that receive funds under ESSA: Provision I - Persistently Dangerous Schools and Provision II - Victims of Violent Criminal Offenses.

Effective the beginning of each school year, school districts receiving ESSA funds must be prepared to complete the transfer of students who choose to exercise Provision I and Provision II of this USCO Policy. Compliance with the Policy is a condition of receiving funds under any and all titles under ESSA. The Superintendent is required to certify compliance with this USCO Policy to the NJDOE in the application for ESSA funds.

USCO Policy Provision I - Persistently Dangerous Schools (PDS)

1. Criteria for Determining PDS.

A persistently dangerous school is a public elementary or secondary school building (except for Regional Day Schools, Educational Services Commissions and Special Services School Districts) that meets the objective criteria determined by the NJDOE for three consecutive years and is part of a school district that receives funds under ESSA. The NJDOE will use the most current available data from the ~~Electronic Violence and Vandalism Reporting System (EVVRS)~~ **Student Safety Data System (SSDS)** to identify PDS on or before July 31 of each year.



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2. Procedures and Guidelines for Schools Determined to be Persistently Dangerous.

A school district will be notified by the NJDOE on or before July 31 of each year if a school(s) in the school district has been identified as a PDS. Once the district receives notification a school is identified as persistently dangerous, the district must inform all parents of enrolled students in the school of the designation within fifteen calendar days of the date of the notice and offer them the option for their children to transfer to a safe public school within the district by the beginning of the respective school year. The district must complete all transfers by the beginning of the school year following the July notification.

Students are not required to accept the transfer option, but they must be afforded the opportunity to do so. Parental notice regarding the status of the school and the offer to transfer students should be made simultaneously. Parents of enrolled students must be notified of the persistently dangerous designation whether or not there is another school within the district for the transferring students.

To the extent possible, the district will allow transferring students to transfer to schools that have not been identified as low performing, under the State's ESSA accountability system. When a transfer school is not available within the school district, the district may seek arrangements for students to transfer to the nearest charter school or neighboring district; however, this is not required. The district may take into account the needs and preferences of the affected students and parents.

3. Corrective Action Plan for a School Identified as Persistently Dangerous.

If a school in the district is identified by the NJDOE as persistently dangerous, the district will submit to the NJDOE documentation of compliance with the parent notification requirement and actions taken to complete the transfer arrangements for all students exercising the option by the first day of the school year. Additionally, the district is required to develop and submit for



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approval a corrective action plan to the NJDOE on or before September 30 of the same year, which will apply to the respective school year. The corrective action plan, which must be completed in the format provided by the NJDOE, will describe how the school will reduce the number of incidents of violence as determined by the ~~EVVRS~~ **SSDS**. The NJDOE will provide the school with guidance for its corrective action plan, as well as monitor the school district's timely completion of the approved plan.

In the spring of each following year, the NJDOE will re-evaluate the status of a school identified as persistently dangerous. The NJDOE will review the school's progress towards completing its corrective action plan and compare the current year's incidents of violence, as reported on the ~~EVVRS~~ **SSDS**, to the criteria for determining PDS. A school identified as maintaining the persistently dangerous designation will be notified by the NJDOE on or before July 31 of the respective year and will be required to submit for approval a revised corrective action plan by September 30 of that year, which will apply to the respective school year. The school district must inform all parents of enrolled students in the school of the designation within fifteen calendar days of the date of notice and offer them the option for their children to transfer to a safe public school by the beginning of the respective school year in accordance with 2. above.

A school no longer designated persistently dangerous will be notified on or before July 31 of the respective year. The persistently dangerous designation will be removed after one or more years contingent upon successful fulfillment of the criteria for removal, as determined by evidence of the school's progress toward successfully completing the approved corrective action plan, and evidence of incidents that no longer meet the criteria for determining PDS, described above, for one school year, the year in which the corrective action plan was in effect.



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4. Procedures and Guidelines for Early Warning of Schools.

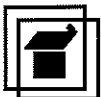
When a school meets the criteria set forth in this Policy for one year, the district will be informed of the types of offenses reported that have led to an early notification. This notification, on or before August 15 of each year, will be informational only. A school that no longer meets the criteria for PDS for one year will no longer be considered in early notification status. A school that meets the criteria for two consecutive years will move into early warning status outlined below.

If a school meets the criteria set forth in this Policy for two consecutive years, the district will be notified of the pattern of offenses on or before August 15 of each year. If notified, the district will develop and submit for approval a school safety plan to the NJDOE on or before September 30 of the same year, which will apply to the respective school year. The school safety plan, which must be completed in the format provided by the NJDOE, will describe how the school will reduce the number of incidents of violence as determined by the ~~EVVRS~~ **SSDS**. The NJDOE will provide an early warning school with guidance for its school safety plan, as well as monitor the school's timely completion of the approved plan. A school receiving an "early warning" notice is not required to provide the transfer option to students.

In the spring of each following year, the NJDOE will reevaluate the school's progress towards completing its school safety plan and compare the current year's incidents of violence, as reported on the ~~EVVRS~~ **SSDS**, to the criteria for determining PDS. The school will be notified of its status on or before July 31 of the respective year.

A school that no longer meets the criteria for PDS for one school year, the year in which the school safety plan was in effect, will no longer be required to submit a school safety plan.

A school that meets the criteria for PDS for a third consecutive year will be designated persistently dangerous and will be required to submit for approval a corrective action plan on or before September 30 of that year, which will apply to the respective school year and provide the transfer option to students in the school designated as persistently dangerous.



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5. Schools Not Receiving ESSA Funds, but Meeting the Criteria for PDS.

School buildings and districts that ~~do~~ **are not part of a local education agency (LEA)** that receives Federal funds under ESSA, but meet any one of the criteria for PDS will be contacted by the NJDOE and be required to develop and submit for approval a school safety plan on or before September 30 of the respective year. The school safety plan must be completed in the format provided by the NJDOE and describe how the school will reduce the number of incidents of violence as determined by the ~~EVVRS~~ **SSDS**. The NJDOE will provide the school with guidance for its school safety plan, as well as monitor the school's timely completion of the approved plan.

USCO Policy Provision II – Victims of Violent Criminal Offenses

The Unsafe School Choice Option provision under the ESSA requires a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the district, including a public charter school.

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The individual victim provision of this Policy attempts to fulfill the requirement for the school district to provide relief to students who have been victimized, while providing a school with a practical means for making determinations on incidents of victimization that are within the purview of the school district. The individual victim section of this Policy has been crafted to enable school staff to make reasonable determinations and actions regarding this Policy. The Superintendent will consult with the Board attorney and communicate with designated local and/or county law enforcement authorities, per the provisions of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials and N.J.A.C. 6A:16-6.2(b)13*, on questions and issues that



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arise in the implementation of the individual victims of violent criminal offenses section of this Policy.

1. Criteria for Determining Victims of Violent Criminal Offenses

The following criteria must be used to determine when an enrolled student has become a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends. These criteria only apply to a student who has become a victim of one or more of the violent criminal offenses enumerated below:

A student is considered a victim of a violent criminal offense when:

- a. A referral has been made to law enforcement officials for suspicion that one of the violent criminal offenses enumerated below has occurred; and
- b. One or more of the following applies:
 - (1) Law enforcement officials have filed formal charges against the offender(s) for commission of the violent crime; or
 - (2) The offender(s) has received sanctions in accordance with the Board of Education's Code of Student Conduct; or
 - (3) The offender(s) either has not been identified or is not an enrolled student(s), but it is clear that the student (victim) has become a victim of a violent criminal offense based on objective indicators such as physical evidence, eyewitness testimony, and/or circumstantial evidence; or
 - (4) The pre-existence of a restraining order against the offender(s).

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2. Procedures and Guidelines

Effective the first day of each school year, the district must be prepared to begin the transfer of any student who chooses to exercise the individual choice option provision. The district must offer, within fourteen calendar days of the incident, an opportunity to transfer to a safe public school within the district to any student who has become a victim of a violent criminal offense while in or on the grounds of a public school that the student attends. While the student must be offered the opportunity to transfer, the student may elect to remain at the school.

To the extent possible, the district will allow any transferring student to transfer to a school that has not been identified as low performing, under the State's ESSA accountability system. In addition, when a transfer school is not available within the district, the district may seek arrangements for a student to transfer to the nearest charter school or neighboring district; however, this is not required. The district may take into account the needs and preferences of the affected student and his or her parent(s). Transfers must occur within thirty days of the determination that the student was a victim of a violent criminal offense.

3. Violent Criminal Offenses

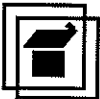
The violent criminal offenses under New Jersey statutes that apply to the individual victim provision of this Policy are identified and explained below. The offenses apply to completed offenses, as

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well as attempts to commit the offenses. The offenses and attempts to commit the offenses apply only when they occur in or on the school grounds, as defined in N.J.A.C. 6A:16-1.3, of the school that the student attends. The offenses apply whether they occur wholly or in part in or on the grounds of the school that the student attends. The offenses apply only to acts or attempts that are directed at a person (victim) or a group of specified individuals



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(victims), rather than acts that indiscriminately affect the entire school population or non-specified individuals or groups.

4. Applicable Violent Criminal Offenses

Below is a description of each applicable violent criminal offense that is based upon New Jersey statutes and references to statutory citations that provide complete explanations of each designated offense. The descriptions provided below are not intended to be a complete explanation of each offense or a substitute for the actual provisions of the authorizing statutes. Instead, the descriptions are provided as an aid in facilitating understanding of the general intent and practical applications of the violent criminal offenses that pertain to this Policy.

- a. Homicide [N.J.S.A. 2C:11-2] - A student is a victim of a homicide when he or she is the child, sibling or other relative of a decedent, resulting from someone purposely, knowingly or recklessly causing the death of the student's parent, sibling, or relative in or on school grounds.
- b. Assault [N.J.S.A. 2C:12-1(A)(1-3) and 2C:12-1(B)(1-4)] - A person is a victim of an assault when the actor: purposely, knowingly, or recklessly causes bodily injury to the victim; negligently, recklessly, knowingly, or purposely causes bodily injury to the victim with a deadly weapon; attempts by physical menace to put the victim in fear of imminent serious bodily injury; or knowingly points a firearm at or in the direction of the victim, whether or not the actor believes it to be loaded.

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- c. Sexual Assault [N.J.S.A. 2C:14-2] - A student is a victim of a sexual assault when the student is a victim of an act of sexual contact when the victim is less than thirteen years old and the actor is at least four years older than the victim, or the student is a victim of an act of sexual penetration under any of the following circumstances:



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- (1) The victim is less than thirteen years old.
 - (2) The victim is at least thirteen, but less than sixteen years old; and the actor is at least four years older than the victim.
 - (3) The victim is at least sixteen years old, but less than eighteen years old; and the actor has supervisory or disciplinary power over the victim.
 - (4) The actor uses physical force or coercion.
 - (5) The victim is one whom the actor knew or should have known was physically helpless, mentally defective, or mentally incapacitated.
- d. Bias Intimidation [N.J.S.A. 2C:16-1(A)] - A person is a victim of the crime of bias intimidation when an actor commits, attempts to commit, conspires with another to commit or threatens the immediate commission of an offense specified in Chapters 11 through 18 of Title 2C of the New Jersey Statutes; N.J.S.A. 2C:33-4; N.J.S.A. 2C:39-3; N.J.S.A. 2C:39-4 or N.J.S.A. 2C:39-5 in the following circumstances:
- (1) With a purpose to intimidate a victim or a group of specified victims because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or
 - (2) Knowing that the conduct constituting the offense would cause a victim or a group of specified victims to be intimidated because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or
 - (3) Under circumstances that caused any victim of the underlying offense to be intimidated and the victim,

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considering the manner in which the offense was committed, reasonably believed either that:

- (a) The offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or
 - (b) The victim or the victim's property was selected to be the target of the offense because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.
 - e. Terroristic Threat [N.J.S.A. 2C:12-3(A) and 2C:12-3(B)] - A person is a victim of a terroristic threat when the actor threatens to commit one of the violent criminal offenses enumerated under this Policy against the victim with the purpose to put the student in imminent fear of one of the violent crimes enumerated in this Policy under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out. The definition of terroristic threat applies to N.J.S.A. 2C:12-3(a) insofar as the threat was directed at a person (victim) or a group of specified individuals (victims).
 - f. Robbery [N.J.S.A. 2C:15-1] - A person is a victim of a robbery when the actor, in the course of committing a theft, inflicts bodily injury; or uses force upon the victim; threatens the victim with or purposely puts the victim in fear of immediate bodily injury.
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- g. Kidnapping [N.J.S.A. 2C:13-1] - A person is a victim of a kidnapping when the actor unlawfully removes the victim from the school or school grounds; or the actor unlawfully confines the victim with the purpose of holding the victim for ransom or reward as a shield or hostage; or the actor



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unlawfully removes the victim from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or if the actor unlawfully confines a student for a substantial period of time with any of the following purposes: to facilitate commission of a crime or flight thereafter, or to inflict bodily injury on or terrorize the victim.

- h. Arson [N.J.S.A. 2C:17-1] - A person is a victim of arson when the actor purposely or knowingly starts a fire or causes an explosion in or on the grounds of a school whereby the victim or group of specified victims are in danger of death or bodily injury; or with the purpose of destroying or damaging the victim's or group of specified victim's property that is in the school or on school grounds.

Miscellaneous Provisions of USCO

1. Transfer Time Period – PDS

The transfer will be temporary and will be in effect as long as the student's original school is identified as persistently dangerous.

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2. Charter School Transfer Option

While ESSA permits affected students to be afforded the opportunity to attend a public charter school, in addition to a safe public elementary school or secondary school within the school district, the application of this provision in New Jersey is limited. Transfers to a charter school can only occur as a part of the charter school's "equal opportunity" selection process and among charter schools administered under the same managing authority (i.e., charter schools within the charter school district).

Since charter schools in New Jersey are considered public (LEA's), pursuant to N.J.S.A. 18A:36A-3, operated independently of a local board of education, transfers may only take place among charter schools within the LEA. Therefore, students may be permitted to transfer to another charter school that is administered



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under the same managing authority of the charter school, but are not permitted to transfer to a school in the local public school district administered by a local board of education.

However, pursuant to N.J.S.A. 18A:36A-7, a charter school must be open to all students on a space available basis and may not discriminate in its admission policies or practices (although it may establish reasonable criteria to evaluate prospective students), and in accordance with N.J.S.A. 18A:36A-8, if there are more applications to enroll in the charter school than there are spaces available, the charter school must select students to attend using a random selection process for enrollment.

3. Funding Sources for USCO

The USCO statute does not authorize resources specifically to help cover USCO costs associated with transferring a student from a PDS. However, under certain circumstances Federal funds may be used. For example, ESEA Title IV, Part A [Section 4115(b)(2)(E)(v)] may be used to establish safe zones of passage to and from school to ensure that students travel safely on their way to school and on their way home. In addition, ESEA Title IV, Part A [Sections 5121(8) and 5131(12) and (25)] funds may be used to help cover costs such as tuition or transportation related to the USCO or expansion of public school choice.

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4. Special Education Students

The district will provide transferred special education students with the program required by the student's Individualized Education Program (IEP).

5. Transfer Schools

In the event there is not another school within the school district for a transferring student, the district is not required to transfer the student to a school outside the school district.



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6. The district will offer students the transfer option if they do not meet the criteria for determining victims of violent criminal offenses under the USCO Policy Provision II as one response for providing relief to students whose victimization has affected their safety and ability to learn.

The district will use the school choice option as one response to incidents of victimization. Additionally, the district will develop and implement appropriate strategies for addressing the circumstances that contribute to or support victimization, as well as consistently and proactively manage individuals who have victimized students. The district will promote the importance of school safety and respond to the needs of students and staff. Pursuant to the law, the district will provide an opportunity for students, parents and school district and law enforcement personnel to discuss methods for keeping schools safe from violence; to create school safety plans; and to recognize students in need of help. The district will organize activities to prevent school violence, including, but not

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limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity and tolerance. Law enforcement personnel will be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school district employees that are designated to help school district employees recognize warning signs of school violence and to instruct school district employees on recommended conduct during an incident of school violence.

In accordance with the provisions of N.J.S.A. 18A:17-46, two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the Superintendent shall report to the Board of Education all acts of violence; vandalism; and harassment, intimidation, and bullying which occurred during the previous reporting period.

Title VIII, Part F, Subpart 2, SEC. 8532
Every Student Succeeds Act (ESSA) of 2015

Adopted:



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Practice and Pre-Season Heat-Acclimation for
**School-Sponsored Interscholastic Athletics
and Extra-Curricular Activities**

Jan 19

[See Policy Alert Nos. 190 and 217]

2431.3 PRACTICE AND PRE-SEASON HEAT-ACCLIMATION FOR
SCHOOL-SPONSORED INTERSCHOLASTIC ATHLETICS
AND EXTRA-CURRICULAR ACTIVITIES

The Board of Education adopts this Policy as a measure to protect the safety, health, and welfare of students participating in school-sponsored athletic programs and extra-curricular activities. The Board believes practice and pre-season heat-acclimation guidelines for students will minimize injury and enhance a student's health, performance, and well-being.

— Therefore, the Board of Education requires the implementation of the practice and pre-season heat-acclimation procedures as recommended by the New Jersey State Interscholastic Athletic Association (NJSIAA) for students participating in all school-sponsored athletic programs and extra-curricular activities during warm weather months. The Superintendent of Schools or designee shall ensure the implementation of the Practice and Pre-Season Heat-Acclimation Procedures.

The Superintendent of Schools or designee may reduce practice times or adjust other provisions that would reduce a student's exertion if weather and/or temperature warrant such action.

This Policy and the school district's practice and pre-season heat-acclimation procedure shall be approved by the school district's physician prior to implementation.

Adopted:



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Administering an Opioid Antidote
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[See POLICY ALERT Nos. 210 and 217]

5330.04 ADMINISTERING AN OPIOID ANTIDOTE

N.J.S.A. 18A:40-12.24.a requires schools to adopt a Policy for the emergency administration of an opioid antidote to a student, staff member, or other person who is experiencing an opioid overdose.

N.J.S.A. 18A:40-12.24.a.(1) requires schools with any of the grades nine through twelve to comply with the provisions of the law.

[Option - Extend Provisions of N.J.S.A. 18A:40-12.23 et seq. to Schools with Other Grades

and permits schools with students in other grades to comply with the provisions of N.J.S.A. 18A:40-12.24.a.(1). Therefore, the Board extends the provisions of N.J.S.A. 18A:40-12.23 through 12.27 to schools with any of the grades _____ through _____.]

N.J.S.A. 18A:40-12.24 requires a school to obtain a standing order for opioid antidotes pursuant to the "Overdose Prevention Act" - N.J.S.A. 24:6J-1 et seq. The school shall maintain a supply of opioid antidotes under the standing order in a secure, but unlocked and easily accessible location. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building. **[Option -** The Board may, in its discretion, make an opioid antidote accessible during school-sponsored functions that take place off school grounds.]

The school nurse and a designated employee who volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c. are required to be trained for the administration of an opioid antidote in accordance with N.J.S.A. 18A:40-12.25.b. The school nurse or a designated employee who volunteers to administer an opioid antidote shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.



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Administering an Opioid Antidote

N.J.S.A. 18A:40-12.24 permits the school nurse or a designated trained employee to administer an opioid antidote to any person whom the nurse or the trained designated employee who in good faith believes is experiencing an opioid overdose.

An overdose victim shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved.

In accordance with N.J.S.A. 24:6J-4.a.(1)(f), a prescriber or other health care practitioner, as appropriate, may prescribe or dispense an opioid antidote directly or through a standing order to a school, school district, or school nurse. In accordance with N.J.S.A. 24:6J-4.a.(2)(c), whenever the law expressly authorizes or requires a school or school district to obtain a standing order for opioid antidotes, the school nurse(s) employed or engaged by the school or school district shall be presumed by the prescribing or dispensing health care practitioner to be capable of administering the opioid antidote, consistent with the express statutory requirement.

Notwithstanding the provisions of N.J.S.A. 24:6J-4.a.(3)(b) to the contrary, if the law expressly authorizes or requires a school, school district, or school nurse to administer or dispense opioid antidotes pursuant to a standing order under N.J.S.A. 24:6J-4 et seq., the standing order issued shall be deemed to grant the authority specified by the law, even if such authority is not specifically indicated on the face of the standing order.

In accordance with the provisions of N.J.S.A. 18A:40-12.26, no school employee, including a school nurse or any other officer or agent of a Board of Education or charter school, or a prescriber of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.23 et seq. Good faith shall not include willful misconduct, gross negligence, or recklessness.

Any school, school district, school nurse, school employee, or any other officer or agent of a Board of Education or charter school who administers or permits the administration of an opioid antidote in good faith in accordance with the provisions of N.J.S.A. 18A:40-12.24 and pursuant to a standing order issued under N.J.S.A. 24:6J-4 shall not, as a result of any acts or omissions, be subject to any criminal or civil liability or any disciplinary action for administering, or



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permitting the administration of, the opioid antidote in accordance with N.J.S.A. 24:6J-1 et seq.

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Administering an Opioid Antidote

Notwithstanding the provisions of any law, rule, regulation, ordinance, or institutional or organizational directive to the contrary, any person or entity authorized to administer an opioid antidote pursuant to N.J.S.A. 24:6J-4, may administer to an overdose victim, with full immunity: a single dose of any type of opioid antidote that has been approved by the United States Food and Drug Administration for use in the treatment of opioid overdoses; and up to three doses of an opioid antidote that is administered through an intranasal application, or through an intramuscular auto-injector, as may be necessary to revive the overdose victim. Prior consultation with, or approval by, a third-party physician or other medical personnel shall not be required before an authorized person or entity may administer up to three doses of an opioid antidote, as provided in N.J.S.A. 24:6J-4, to the same overdose victim.

A school district may enter into a shared services arrangement with another school district for the provision of opioid antidotes pursuant to N.J.S.A. 18A:40-12.27 if the arrangement will result in cost savings for the districts.

This Policy and Regulation 5330.04 shall be reviewed and approved by the school physician prior to Board adoption and whenever this Policy is revised. This Policy shall be made available to school staff members, parents, and students in handbooks, on the school district's website, or through any other appropriate means of publication.

N.J.S.A.18A:40-12.23; 18A:40-12.24; 18A:40:12-25; 18A:40-12.26;
18A:40-12.27

N.J.S.A. 24:6J-1 et seq.

Adopted:



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Use of School Facilities

7510 USE OF SCHOOL FACILITIES

The Board of Education believes the school facilities of this district should be made available for community purposes, provided that such use does not interfere with the educational and co-curricular programs of the school district. For the purpose of this policy, “school facilities” also includes school grounds.

The Board will permit the use of school facilities when such permission has been requested in writing and has been approved by the Business Administrator/Board Secretary. The Board reserves the right to withdraw permission after it has been granted in the event circumstances change requiring such school facilities or school grounds will be needed for a school district purpose or due to a school closing due to weather or other emergency.

In weighing competing requests for the use of school facilities, the Board will give priority to the following uses, in the descending order given:

- A. Uses and groups directly related to the schools and the operations of the schools, including pupil and teacher groups;
- B. Uses and organizations indirectly related to the schools, including the P.T.A., P.T.O., Home-School Association, and other school-parent related organizations;
- C. Departments and agencies of the municipal government (i.e. police, recreation);
- D. Governmental agencies (State, Federal);
- E. Community organizations **501(c)3 non-profit corporations** formed for charitable, civic, social, or educational purposes;
- F. Community political organizations;
- G. Community church groups;
- H. Private groups and organizations;

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Use of School Facilities

Each user shall present evidence of the purchase of organizational liability insurance to the limit as prescribed by district regulations. Each user shall inspect any facility or school grounds to be used prior to such use and shall notify a district representative of any existing safety or dangerous conditions. In the event such conditions exist, the district may cancel or modify the user's access to the school facility until such conditions are addressed. Users shall be financially liable for damage to the facilities and for proper chaperonage as required by the school district administration.

Use of school equipment in conjunction with the use of school facilities must be specifically requested in writing and may be granted in accordance with Policy No. 7520. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use, regardless of any assignment of negligence. Where rules so specify, certain items of equipment may only be used by a qualified operator approved by the school district administration.

The Board shall approve annually a schedule of fees for the use of school facilities based upon the following guidelines:

1. The use of school facilities for activities for groups A-E shall be without cost to the user except that the user shall be responsible for any custodial costs incurred by the use on Sunday at a rate set forth by the Board.
2. All other organizations or persons granted the use of school shall pay in advance the scheduled fee required by the use.

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Use of School Facilities

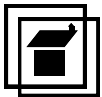
The school district shall provide a copy of Policy and Regulation 2431.4 – Prevention and Treatment of Sports-Related Concussions and Head Injuries to all youth sports team organizations that operate on school grounds or in school facilities. In accordance with the provisions of N.J.S.A. 18A:40-41.5, the school district shall not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that uses school facilities or operates on school grounds if the youth sports team organization provides the school district proof of an insurance policy in the amount of not less than \$50,000 per person, per occurrence; insuring the youth sports team organization against liability for any bodily injury suffered by a person. The youth sports team organization must also provide a statement of compliance with the school district's Policy and Regulation 2431.4 - Prevention and Treatment of Sports-Related Concussions and Head Injuries.

For the purpose of this Policy, a “youth sports team organization” means one or more sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department.

The Superintendent shall develop regulations for the use of school facilities; such regulations shall be distributed to every user of the facilities and every applicant for the use of school facilities. Permission to use school facilities shall be granted only to persons and organizations that agree to the terms of Policy and Regulation 7510, the requirements as outlined in the use of school facilities application, and in accordance with the terms outlined in the approval granted by the school district.

N.J.S.A. 18A:20-20; 18A:20-34

Adopted:



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Use of School Facilities

R 7510 USE OF SCHOOL FACILITIES

A. Prioritization of Users

Organizations and individuals using school facilities will be prioritized as users according to Policy 7510.

B. Application Procedures

1. Application must be made in writing and on the form supplied by the school district. The form is available in the office of the School Business Administrator/Board Secretary and is available online.
2. Application for use of school facilities must be submitted to the Business Office not less than ten (10) working days before the date of the requested use.
3. The application must be signed by an adult representative of the requesting organization, who will be considered by the Board to be the agent of the organization.
4. The application must include all the facilities that the applicant wishes to use and all the dates and times of the requested use. Approval of any application is limited to the facilities, dates, and times expressly requested on the application. Approval does not include the privilege of additional rehearsal time or the use of rooms or buildings not expressly requested.
5. The application must include all the equipment and supplies that the applicant wishes to include in the use, pursuant to Policy No. 7520, Loan of School Equipment.

C. Approval

1. The School Business Administrator/Board Secretary will review each application and check the school calendar to determine whether the facility requested is available at the date and time requested, that is, the facility has not been scheduled:



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Use of School Facilities

- a. For use in the instructional or co-curricular program;
 - b. For maintenance, repair, or capital improvement; or
 - c. For use by another organization.
2. If the facility is not available for use, the Executive Secretary to the School Business Administrator will so inform the representative of the organization and may suggest alternative dates, times, or facilities.
3. If the facility is available for use and the applicant meets the standards set by Policy No. 7510 and these regulations, the School Business Administrator/Board Secretary will note his/her approval on the application form and will record the classification of the applicant organization and forward the application for final approval or for referral to the Board for requests that may be approved only by the Board.
4. Standards for approval include the following limitations on use:
 - a. School facilities are available for use on weekdays and weekends, including school vacations.
 - b. School facilities may be available for use on public and school holidays depending on appropriate and adequate custodial coverage.
 - c. School facilities are available for use only during the hours of _____ p.m. and _____ p.m. Permission may be granted for a use up to _____ p.m., provided the user pays an overtime fee regardless of the user's classification. School facilities are not available for use during the school day or for any use that may interfere with the school district's educational or co-curricular programs.
 - d. The use of school facilities will generally not be granted for observances or celebrations that are essentially private in nature or for meetings of small groups that can conveniently convene in private homes.



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Use of School Facilities

5. The School business Administrator/Board Secretary will determine the prioritization of the applicant organization and the fees and costs, if any, to be charged for the use of the facility. This information will be provided on the application form.
6. In the event of a conflict between requesting organizations, the request received earlier by the district will be honored first.
7. A copy of each approved or disapproved application will be distributed to the representative who signed the application form.
8. The application form will include the rules governing the use of school facilities, and the representative's signature on the application will signify notice of those rules and the organization's agreement to be bound by those rules.
9. The Board reserves the right to deny an application and to withdraw permission to use school facilities after approval has been granted and after the use has commenced. Permission may specifically be withdrawn from any organization whose representative has willfully made misrepresentation on the application or whose members violate the rules established for the use of school facilities. Such withdrawal of permission may constitute grounds for denying a future application made by the organization.
10. Permission to use school facilities is not transferable.
11. The organization representative must inform the Executive Assistant to the School Business Administrator of any canceled use request as soon as he/she is aware of the cancellation. An organization's failure to inform the Executive Assistant to the School Business Administrator of a canceled use at least one (1) working day in advance of the scheduled time of the use may result in imposition of service charges.



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Use of School Facilities

12. Permission to use a school facility is automatically withdrawn on a day when the facility is closed for inclement weather, work stoppage, or other emergency.

D. Insurance and Indemnification

1. The representative of an organization granted permission to use a school facility must assume responsibility for the orderly and careful use of the facility and must agree to assume liability for any damage or loss of property caused by the use or in the course of the use.
2. The organization and/or its representative will hold the Board of Education harmless from claims arising out of the permitted use of the school facility or during the user's occupancy. In addition, the user shall agree to save the Board harmless from liability for injury or damage to any person or property of any person who may be attending or participating in the function or activity for which permission has been granted.
3. The user shall furnish evidence of the purchase of liability insurance in the amount of
 - a. \$1,000,000 per person,
 - b. \$1,000,000 per accident or event, and
 - c. \$1,000,000 property damage.
4. Any youth sports team organization that is granted permission to use school facilities must provide the school district proof of an insurance policy against liability for any bodily injury in the amount of not less than \$50,000 per person per occurrence, insuring the youth sports team organization against liability for any bodily injury suffered by a person. The youth sports team organization must also provide a statement of compliance with the school district's Policy and Regulation 2431.4 - Prevention and Treatment of Sports-Related Concussions and Head Injuries, which will be provided to the adult representative of the requesting organization with the application to use school facilities.



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Use of School Facilities

For the purpose of this Policy, a “youth sports team organization” means one or more sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department.

E. Rules for the Use of School Facilities

1. Users of school facilities will be bound by the law.
 - a. Users must comply strictly with all applicable statutes; municipal ordinances; and rules of the Board of Health, Fire Department, and Police Department regarding public assemblies.
 - b. The use must not exceed the established capacity of the facility used.
 - c. The use must not involve gambling or games of chance.
 - d. The use, possession, and/or distribution of alcohol and/or controlled dangerous substances is absolutely prohibited, in accordance with law and Policy Nos. 5530 and 7435.
 - e. Smoking is prohibited in accordance with Policy No. 7434.
 - f. School facilities cannot be used for any purpose prohibited by law or likely to result in rioting, disturbance of the peace, damage to property or for the purpose of defaming others.
2. Users of school facilities will respect Board property.
 - a. The user will not damage, destroy, or deface school property. The facility shall be used with care and left in an orderly and neat condition.
 - b. The user must request in the application and receive permission to bring and use equipment, decorations, or materials to the school facility. No equipment, decorations, or materials may be nailed to floors, walls, windows, woodwork, curtains or fixtures or affixed to the same in any manner that defaces or damages school property or grounds.



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Use of School Facilities

- c. Any equipment, scenery, decorations, or other material brought to the school facility and any debris caused by the use or remaining after the use must be promptly removed by the user. Any such materials left on school premises beyond the time period approved in the application may be removed by the Board at the user's expense. The Board assumes no liability for damage to or loss of materials brought to school facilities.
- d. The user must request in the application and receive permission to use, move, or tune a district piano. A piano may be moved only by school district staff or by a competent and experienced commercial mover approved by the Board and at the expense of the user. Any piano that has been moved must be returned to its original placement with the same care and at the expense of the user.
- e. Users of the gymnasium must ensure that all participants wear rubber-soled footwear to prevent damage to floors.
- f. No school facility may be used for a purpose in conflict with the purpose for which the facility was designed.
- g. Lighting equipment, ventilation systems, and thermostatic controls may be operated only by an employee of the district.
- h. The user must request in the application and receive permission to serve and consume food and/or beverages on school premises. The service and consumption of food and/or beverages is strictly limited to the area for which permission is granted. If food and/or beverages are served, the user must clean all utensils, equipment, serving dishes, and the like and restore the facility to its proper condition. The user may not consume food or beverages or use supplies purchased with public funds.
- i. No signs, posters, advertisements, or other displays may be placed in a school building without prior approval.



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- j. The facility user will be responsible for the entry/exit of all program participants and spectators. No school keys shall be issued to a user.
 - k. No animal shall be allowed on school premises without prior approval.
 - l. An authorized school district staff member shall examine the school facilities and/or grounds after the use and will inform the user of any loss or damage that must be corrected.
 - m. Permission to use school facilities extends only to the facility requested. Users are not entitled to enter health offices, administrative offices, storage closets, or any other room to which permission to use has not been expressly granted. Users are not permitted to use district telephones, word processors, and office equipment.
 - n. No vehicles of any type shall be operated in any area that is not designed for such vehicles without prior permission.
3. Uses Must be Properly Supervised.
- a. A school custodian must be on duty during the entire time a use occurs. The custodian is present for the purpose of insuring the security and proper functioning of the facility and of enforcing these regulations. The custodian is paid by the Board and may not accept gratuities from users. If the custodian is needed to perform extra services as an accommodation to the user, the user may be charged an additional fee and the custodian will be compensated accordingly by the district.
 - b. The use of certain school facilities (such as kitchen and auditorium stage) require the services of school employees trained in the use of the facility. The user will be charged an additional fee and the school employee will be compensated accordingly by the district.



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Use of School Facilities

- c. The user must assume full responsibility for the conduct of all participants in the use while they are in or about school buildings and grounds and must enforce these regulations. The user must provide an adequate number of persons to supervise participants in the activity. The district, depending on the activity, may require as a condition of approval, a certain number of chaperones, law enforcement officials, and/or a school district representative(s) to be present at the activity.
- d. The user must, in consultation with the School Business Administrator/Board Secretary, anticipate the need for the assistance of police officers, fire fighters, and/or parking attendants. All such services must be arranged by the user and will be at the expense of the user. When a user refuses or fails to secure police, fire, and/or parking assistance after having been advised to do so by the School Business Administrator/Board Secretary, the School Business Administrator/Board Secretary may recommend that permission to use the facility be withdrawn.
- e. Board members and school officials are entitled to full and free access to any part of the school premises during any use. No user may exclude a Board member or school official from a school facility for any reason. **However, members of the Board of Education and candidates for the Board of Education shall not be permitted to conduct any campaign activities in school buildings, at school stadiums or within ___ feet of the entrances to buildings nor obstruct sidewalks, driveways or parking lots of buildings while on school grounds. See also, Regulation 7440.**

F. Fee Schedule

- 1. All users will be charged custodial fees for use of facilities on Sundays as annually adopted by the Board. Priority users "H" will be charged custodial fees on the amount of use.
- 2. An itemized bill for the use of school facilities will be prepared based on the approved application form. The bill will be sent to the



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representative of the applicant organization in advance of the use and payment may be requested in advance of the use.

Issued:



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Student Smoking
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[See POLICY ALERT Nos. 98, 158, 170, 188, 199 and 215]

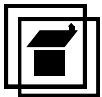
5533 STUDENT SMOKING

The Board of Education recognizes the use of tobacco presents a health hazard that can have serious implications both for the smoker and the nonsmoker and that smoking habits developed by the young **people** may have lifelong harmful consequences.

For the purpose of this Policy, “smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, ~~including the use of smokeless tobacco and snuff~~, or the inhaling or exhaling of smoke or vapor from an electronic smoking device **pursuant to N.J.S.A. 26:3D-57. For the purpose of this Policy, “smoking” also includes the use of smokeless tobacco and snuff.**

For the purpose of this Policy, “electronic smoking device” means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, ~~or~~ pipe, **or any cartridge or other component of the device or related product pursuant to N.J.S.A. 2A:170-51.4.**

For the purpose of this Policy, “school buildings” and “school grounds” means and includes land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and any other central facilities including, but not limited to, kitchens and maintenance shops. “School buildings” and “school grounds” also include athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands **and night field lights**; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. “School buildings” and “school grounds” also include other facilities as defined in N.J.A.C. 6A:26-1.2; playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.



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Student Smoking

N.J.S.A. 2A:170-51.4 prohibits the sale or distribution to any person under twenty-one years old of any cigarettes made of tobacco or any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; and any electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or any cartridge or other component of the device or related product. Consequences for a student possessing such an item will be in accordance with the Student Code of Conduct.

The Board prohibits smoking by students at any time in school buildings ~~or and~~ on ~~any~~ school grounds, at ~~school-sponsored~~ events ~~sponsored by the Board~~ away from school, ~~or and~~ on a school bus ~~any transportation vehicle supplied by the Board.~~

The Board also prohibits the possession of any item listed in N.J.S.A. 2A:170-51.4 at any time in school buildings or on school grounds, at school-sponsored events away from school, or on a school bus. Such items will be confiscated and may be returned to the parent, upon request.

[Optional – Prohibited Items and Controlled Dangerous Substances]

— If it appears to an educational staff member or other professional, upon confiscating such item(s), that the student may currently be under the influence of alcohol or other drugs, the staff member shall inform the Principal or designee. The Principal or designee will immediately notify the parent and the Superintendent or designee. The Principal or designee will arrange for an immediate medical examination of the student and shall comply with all of the provisions of N.J.A.C. 6A:16-4.3 and Policy and Regulation 5530 – Substance Abuse.

In the event the Principal or designee, after inspection of the confiscated item(s), has reason to believe the item(s) may have contained or may contain a controlled dangerous substance or a controlled dangerous analog pursuant to N.J.S.A. 2C:35-2, the Principal or designee will immediately notify the parent and the



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Superintendent or designee. The Principal or designee will arrange for an immediate medical examination of the student and shall comply

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Student Smoking

with all of the provisions of N.J.A.C. 6A:16-4.3 and Policy and Regulation 5530 – Substance Abuse. Principals and designees will be trained to identify controlled dangerous substances in electronic smoking devices.]

A sign indicating smoking is prohibited in school buildings and on school grounds will be posted at each public entrance of a school building in accordance with law. The sign shall also indicate violators are subject to a fine.

A sStudents who violates the provisions of this Policy shall be subject to appropriate disciplinary measures in accordance with the district's Student Discipline/Code of Conduct and may be subject to fines in accordance with law. In the event a student is found to have violated this Policy and the law, the Principal or designee may file a complaint with the appropriate Municipal Court or other agency with jurisdiction as defined in N.J.A.C. 8:6-9.1(c).

[Optional

A student found to have violated this Policy and the law may be required to participate in additional educational programs to help the student understand the harmful effects of smoking and to discourage the use of tobacco products. These programs may include, but are not limited to, counseling, smoking information programs, and/or smoking cessation programs sponsored by this school district or available through approved outside agencies.]

The Board directs that the health curriculum include instruction in the potential hazards of the use of tobacco. All school staff members shall make every reasonable effort to discourage students from developing the habit of smoking.

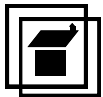
The Board of Education will comply with any provisions of a municipal ordinance which provides restrictions on or prohibitions against smoking equivalent to, or greater than, those provided in N.J.S.A. 26:3D-55 through N.J.S.A. 26:3D-63.

N.J.S.A. 2A:170-51.4

N.J.S.A. 2C:35-2

N.J.S.A. 18A:40A-1

N.J.S.A. 26:3D-55 through 26:3D-63



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N.J.A.C. 6A:16-1.34.3

N.J.A.C. 8:6-7.2; 8:6-9.1 through 8:6-9.5

Adopted:



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School District Security
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7440 SCHOOL DISTRICT SECURITY

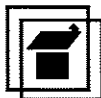
The Board of Education believes the buildings and facilities of the school district represent a substantial community investment. The Board directs the development and implementation of a plan for school district security to protect the school community's investment in the school buildings and facilities. **The Board will comply with the security measures required in N.J.S.A. 18A:7G-5.2 for new school construction and for existing school buildings.**

The school district security program will include: maintenance of facilities that are secure against unwelcome intrusion; protection against fire hazards and faulty equipment; and compliance with safe practices in the use of electrical, plumbing, heating, and other school building equipment.

The Board shall provide to local law enforcement authorities a copy of the current blueprints and maps for all schools and school grounds within the school district or nonpublic school. In the case of a school building located in a municipality in which there is no municipal police department, a copy of the blueprints and maps shall be provided to an entity designated by the Superintendent of the New Jersey State Police. The Board shall provide revised copies to the applicable law enforcement authorities or designated entities any time that there is a change to the blueprints or maps.

The Board directs close cooperation of district officials with law enforcement, fire officials, and other emergency agencies.

Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency pursuant to N.J.S.A. 18A:41-10 through 13.



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School District Security

The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist certification in accordance with the provisions of N.J.S.A. 18A:17-43.2. The School Safety Specialist shall also serve as the school district's liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

Access to school buildings and grounds outside the hours school is in session shall be limited to personnel whose employment requires their presence in the facility. An adequate key control system will be established to limit building access to authorized personnel and guard against the potential of intrusion by unauthorized persons who have obtained access improperly.

In accordance with N.J.S.A. 18A:7G-5.2.b.(15), propping open doors to buildings on school grounds is strictly prohibited and students and staff shall not open a door for any individual. All persons seeking entry into the main building shall be directed to the main entrance.

Building records and funds shall be kept in a safe place and secured as appropriate and necessary.

Protective devices designed to be used as safeguards against illegal entry and vandalism may be installed when appropriate. The Board may approve the employment of school resource officers, school security officers, and/or law enforcement officers in situations in which special risks are involved.

N.J.S.A. 18A:7G-5.2; 18A:17-43.1; 18A:17-43.2; 18A:17-43.3;
18A:41-7.1; 18A:41-10; 18A:41-11; 18A:41-12; 18A:41-13
N.J.A.C. 6A:16-1.3; 6A:26-1.2

Adopted:



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REGULATION GUIDE

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R 7440 SCHOOL DISTRICT SECURITY

A. Definitions

“Access” means authorized access to a school building or school grounds through the use of a Board-approved key control system.

“Key control system” means the use of a key, card, code, or any other means to disengage a locking mechanism to provide entry to a school building or school grounds.

“Panic alarm” means a silent security system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring a response from law enforcement.

“School buildings” and “school grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. “School buildings” and “school grounds” also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; night field lights; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. “School buildings” and “school grounds” also includes other facilities such as playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Access to School Buildings and School Grounds

1. Access to school buildings and grounds during the school day will be permitted to all students enrolled in the school, all authorized school staff members, and visitors pursuant to Policy and Regulation 9150.



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2. Access to school buildings and grounds before and after the school day will be permitted to:
 - a. Members of the Board of Education;
 - b. Administrative and supervisory staff members, teaching staff members, and support staff members assigned to a school building or grounds in the performance of their duties;
 - c. Other school staff members in the performance of their professional responsibilities;
 - d. Students involved in interscholastic athletics, co-curricular or extra-curricular activities, and authorized spectators;
 - e. Members of organizations granted the use of school premises pursuant to Policy and Regulation 7510;
 - f. Police officers, fire fighters, health inspectors, and other agents of Federal, State, and local government in the performance of their official duties;
 - g. Members of the public present to attend a public Board of Education or public school-related function; and
 - h. Others authorized by the Superintendent or designee and/or by Board Policy.
3. All visitors to a school building during a school day will be required to register their presence in the school and comply with the provisions of Policy and Regulation 9150. The school's registration and sign-in procedures may include the use of a school visitor management system requiring the visitor to present acceptable identification to access the school building.
4. Signs will be conspicuously posted to inform visitors of the requirement to register their presence into the building.



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C. Key Control System for Access to School Buildings and Facilities

1. School staff members will be provided access to a school building using the school's key control system as follows:
 - a. Teaching staff members and support staff members will be provided access using the school's key control system to the school building and to other facilities on school grounds to which they require access for the performance of their professional duties.
 - (1) The Building Principal will determine the school staff members who shall be provided access to facilities within the school building and on school grounds.
 - (2) The Superintendent or designee will determine the district administrators, supervisors, and other staff members who shall be provided access to facilities within the school building and on school grounds.
2. School staff members provided access to a school building or other facilities on school grounds shall be responsible for ensuring their key control system authorization is not shared with another individual without prior approval of the Principal or designee for school staff members, or the Superintendent or designee for district staff members. Staff members are prohibited from permitting their key control system authorization to be used by another person unless prior approval is obtained from the Principal or designee at the building level and Superintendent or designee at the district level or in the event of an emergency.
2. A staff member's loss of a key, card, or any other device authorizing the staff member access to a school building or a facility on school grounds must be immediately reported to the Principal or Superintendent or designee. The staff member who loses a key, card, or any such access device may be responsible for the replacement cost.



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D. School Building Panic Alarm or Emergency Mechanisms (N.J.S.A. 18A:41-10 through 13)

- 1. Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation.**
- 2. The alarm shall be directly linked to local law enforcement authorities or, in the case of a school building located in a municipality in which there is no municipal police department, a location designated by the Superintendent of the New Jersey State Police.**
- 3. The alarm shall be capable of immediately transmitting a signal or message to such authorities outlined in D.2. above upon activation.**
- 4. The alarm shall not be audible within the school building.**
- 5. Each panic alarm required under N.J.S.A. 18A:41-11 and Policy and Regulation 7440 shall:**
 - a. Adhere to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories; and**
 - b. Be installed solely by a person licensed to engage in the alarm business in accordance with the provisions of N.J.S.A. 45:5A-27.**
- 6. The school district may equip its elementary and secondary school buildings with an emergency mechanism that is an alternative to a panic alarm if the mechanism is approved by the New Jersey Department of Education.**

ED. Staff Member Responsibilities

- 1. Staff members should not bring to school valuable personal items that cannot be in the staff member's personal possession at all times. The Board of Education is not responsible for a staff member's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed.**



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2. In the event a staff member observes a student has a valuable item in school, the staff member will report it to the Principal or designee. A valuable item may include, but is not limited to, an unusually large amount of money, expensive jewelry or electronic equipment, or any item that is determined by the Principal or designee to be valuable to a student based on the student's age.
 - a. The Principal or designee may contact the student's parent and request the parent come to school to retrieve the valuable item;
 - b. The Principal or designee may secure the valuable item and return it to the student at the end of the school day and inform the student and the parent not to bring the valuable item to school in the future; or
 - c. The Principal or designee will permit the student to maintain the valuable item and inform the student and the parent not to bring the valuable item to school in the future.
 - d. The Board of Education is not responsible for a student's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed when in the possession of the student.
3. Teaching staff members shall close classroom windows and shut and lock classroom doors when leaving at the end of the school day; shut and lock classroom doors during the school day when the room is not going to be in use after their assignment, and report immediately to the Principal or designee any evidence of tampering or theft.
4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for persons with access.
5. Office personnel shall take all reasonable precautions to ensure the security of all school and district records and documents against unauthorized access, deterioration, and destruction.



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FE. School Safety Specialist

1. The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3.
2. The School Safety Specialist shall:
 - a. Be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district;
 - b. Ensure that these policies and procedures are in compliance with State law and regulations; and
 - c. Provide the necessary training and resources to school district staff in matters relating to school safety and security.
3. The School Safety Specialist shall also serve as the school district's liaison with law enforcement and national, State, and community agencies and organizations in matters of school safety and security.
4. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist Certification in accordance with the provisions of N.J.S.A. 18A:17-43.2.

GF. Summoning Law Enforcement Authorities

1. Law enforcement authorities will be summoned promptly whenever evidence is discovered that indicates: a crime has been committed on school premises or in the course of staff or student transportation to or from school; a break and entry may have occurred on school grounds; a deadly weapon is on school premises; a breach of the peace has occurred on school premises; for any reason required in the Memorandum of Understanding between the Board of Education and Law Enforcement and in accordance with Policy and Regulation 9320; or for any other



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reason there is concern about the health, safety, and welfare of persons on school grounds or school property.

2. **Anytime** ~~A call to law enforcement agents~~ **are summoned in accordance with G.1. above,** ~~will be reported to the Superintendent~~ **will be notified** as soon as possible, ~~along with the reason(s) for which the call was made and the outcome of the incident.~~

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School District Issued Student Identification Cards

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[See POLICY ALERT Nos. 162 and 218]

5517 SCHOOL DISTRICT ISSUED STUDENT IDENTIFICATION CARDS

The Board of Education recognizes school building security measures are important for the safety and welfare of all students, staff, parents, and community members in school buildings. In recognizing this important responsibility, the **Principal or designee may** require students to carry school district issued identification cards (**Identification Card**).

An Identification Card will be issued to all students in

Choose one or more of the following:

☐ all school buildings,

☐ elementary schools,

☐ middle schools,

☐ high schools,.

The Principal or designee may require a student to present their Identification Card at any time during the school day or at any time during a school-sponsored activity on school grounds.



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School District Issued Student Identification Cards

Notwithstanding any provision of this Policy, the Principal or designee may also require students carry an Identification Card at any school-sponsored, off-campus activity, including but not limited to, field trips or interscholastic sports programs pursuant to N.J.S.A. 18A:36-43a. The provisions of this Policy shall not be construed to require a student to carry the Identification Card while participating in an athletic contest or competition, an activity involving fine arts or performing arts, or any other activity that the Commissioner of Education determines does not require the physical possession of an Identification Card. An Identification Card used in accordance with N.J.S.A. 18A:36-43a shall include, but need not be limited to, the following information: the student's name; an up-to-date photograph; and the current school year.

Any student who fails to have the Identification Card in their possession or fails to present it when required may be denied access to an event or activity and may be subject to appropriate discipline.

An Identification Card issued in accordance with this Policy shall not be considered a government record pursuant to P.L. 1963, c.73 (N.J.S.A. 47:1A-1 et seq.), P.L. 2001, c.404 (N.J.S.A. 47:1A-5), or the common law concerning access to government records.

N.J.S.A. 18A:36-43

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[See POLICY ALERT No. 218]

1642 EARNED SICK LEAVE LAW

All persons holding any office, position, or employment in local school districts, regional school districts, or county vocational schools of the State who are steadily employed by the Board of Education or who are protected by tenure in their office, position, or employment under the provisions of N.J.S.A. 18A:30-2 or any other law, except persons in the classified service of the civil service under Title 11, Civil Service, of the Revised Statutes, shall be allowed sick leave with full pay for a minimum of ten school days in any school year in accordance with the provisions of N.J.S.A. 18A:30-2.

However, a Board of Education may determine some persons holding an office, position, or employment are not eligible for sick leave in accordance with N.J.S.A. 18A:30-2. These persons shall be covered under the provisions of the New Jersey Earned Sick Leave Law (Act), N.J.S.A. 34:11D-1 through 34:11D-11. Policy and Regulation 1642 outline the provisions of the Act for those persons the Board of Education determines are not eligible for sick leave in accordance with the provisions of N.J.S.A. 18A:30-2 or any rule or law of New Jersey other than the Act.

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

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

In accordance with the provisions of N.J.S.A. 34:11D-2, for every thirty hours worked, an employee eligible to accrue earned sick leave under the Act shall accrue one hour of earned sick leave commencing no later than October 29, 2018.



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Earned Sick Leave Law

The employer will not provide an employee with the full complement of earned sick leave for a benefit year as required under N.J.S.A. 34:11D-2 on the first day of each benefit year in accordance with the provisions of N.J.S.A. 34:11D-2.a.

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

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

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

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

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



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Earned Sick Leave Law

The employer shall permit an employee to use the earned sick leave accrued pursuant to the Act for any of the reasons outlined in N.J.S.A. 34:11D-3.a.

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

In accordance with N.J.S.A. 34:11D-5, failure of the employer to comply with the provisions of the Act shall be regarded as a failure to meet the wage payment requirements of the "New Jersey State Wage and Hour Law."

The employer shall retain records documenting hours worked and earned sick leave taken by employees covered under the Act in accordance with the provisions of N.J.S.A. 34:11D-6.

The employer shall provide notification, in a form issued by the Commissioner of Labor and Workforce Development, to employees of their rights under the Act; post the notification; and provide a copy of the notification to employees eligible to accrue earned sick leave under the Act in accordance with the provisions of N.J.S.A. 34:11D-7.

N.J.S.A. 34:11D-1 through 34:11D-11

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[See POLICY ALERT Nos. 190 and 218]

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 New Jersey Department of Education 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) Titles I, II-A, II-D, III, III-Immigrant, IV and V of the No Child Left Behind Act (NCLB), the Individuals with Disabilities Education Act (IDEA), and the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and any other program designated by the NJDOE** shall be made using the NJDOE's Electronic Web-Enabled Grant (EWEG) System.

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. ~~Reimbursement requests shall be made for individual titles and awards and~~ Only one reimbursement request per month may be submitted for an individual title, or 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** ~~by the last calendar day of the month in which the request is made.~~

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** ~~by the last calendar day of the~~



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Reimbursement of Federal and Other Grant Expenditures

~~month in which the request is made and that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant. Reimbursement requests must be in accordance with approved grant applications.~~

The Superintendent of Schools 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 of Schools 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.**

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 of Schools 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** ~~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.



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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. 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** ~~according to the requirements of the CMLA.~~

New Jersey Department of Education Policies and Procedures for Reimbursement
of Federal and Other Grant Expenditures – **March 2014** ~~July 2008~~

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[See POLICY ALERT Nos. 106, 109, 125, 140, 149, 156 and 218]

8600 STUDENT TRANSPORTATION

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

Nonpublic school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-2.1 et seq.

Charter or renaissance school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-3.1 et seq.



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Students with special needs shall be provided transportation in accordance with N.J.S.A. 18A:39-1 et seq., and with their Individualized Education Program (IEP) pursuant to N.J.A.C. 6A:27-5.1.

The Board will approve all bus routes by _____ of each school year. Bus routes for all non-remote students who must walk to and from school along hazardous routes will be designated **and approved by the Board**. The Board ~~may~~ will consider, but shall not be limited to, the criteria outlined in N.J.S.A. 18A:39-1.5 in determining "Hazardous Routes."



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OPERATIONS 8600/page 3 of 5 Student Transportation

The Board will not be responsible for the transportation of nonresident students to or from school, except that transportation to and from school will be provided for homeless students; students residing in group homes; students residing in resource family homes; and students residing in shared custody homes pursuant to N.J.A.C. 6A:27-6.2, 6.3, 6.4, and 6.5 children for whom the district is determined to be the district of residence and for homeless children enrolled in this district when no district of residence has been determined.

~~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 students enrolled in the schools of this district. Pursuant to N.J.A.C. 6A:27-2.2, students living more than twenty miles from their nonpublic school are eligible for transportation services when other students living within the district, whose residence is less than twenty miles from school, are transported to the same nonpublic school.~~

Transportation services will be provided in accordance with N.J.A.C. 6A:27-2.2(c)12, and this Policy to a nonpublic school located outside the State not more than twenty miles from the student's home.]

~~Aid in lieu of transportation will be provided to a parent(s) or legal guardian(s) of nonpublic and charter students pursuant to N.J.S.A. 18A:39-1. When the schools of this district are closed for inclement weather or other conditions, no transportation will be provided for students enrolled in any public, nonpublic, and/or charter school, and/or renaissance school.~~

~~When the Board provides transportation of students to and from:~~

~~_____ county vocational schools and/or~~

~~_____ schools classified pursuant to Chapter 46 of N.J.S.A. 18A of the New Jersey Statutes~~



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and/or

~~_____ when the Board has in the prior year provided payments in lieu of transportation for any nonpublic schools pursuant to N.J.S.A. 18A:39-1 or the Board cannot provide transportation in the ensuing school year~~

The Board shall will utilize _____ for providing cooperative/coordinated transportation services in accordance with the provisions of N.J.S.A. 18A:39-11.1 et seq. and N.J.A.C. 6A:27-10.1 et seq. The Board shall utilize will attempt to use one of the agencies prior to determining to pay aid in lieu of transportation if in the prior year payments in lieu of transportation were provided. The Board will provide to the cooperative/coordinated transportation services _____ any unique limitations or restrictions of the required transportation.

~~When the costs to provide transportation in cooperation with _____ is less than the aid in lieu of payments, the Board will contract with the _____ to provide transportation. The Board will make the determination on the manner in which transportation services shall be provided in accordance with N.J.S.A. 18A:39-11.1 and shall notify the nonpublic school and the parent(s) or legal guardian(s) of the nonpublic school by August 1 prior to the beginning of the school year.~~

~~Transportation in cooperation with _____ will not be required when the district can provide transportation at a lower cost than the _____ or the transportation provided by _____ does not fall within the policies of the Board regarding length of ride and assignment of students to a route based on student age or classification.~~

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



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

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

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

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

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

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

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

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

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Bus Driver/Bus Aide Responsibility

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[See POLICY MEMO No. 67]

[See POLICY ALERT Nos. 164, 205, 209, 214 and 218]

8630 BUS DRIVER/BUS AIDE RESPONSIBILITY

The Board of Education requires all school bus drivers and bus aides employed by the district or employed by a contracted school bus company to be reliable persons of good moral character who possess the qualifications necessary to perform the duties of the position. Anyone driving a school bus used to transport students to and from school and school related activities must meet all requirements of N.J.S.A. 18A:39-17, 18, 19.1, and 20, N.J.A.C. 6A, and all New Jersey Motor Vehicle Commission (NJMVC) rules governing school bus drivers. All school bus drivers must possess the appropriate license and endorsement(s) to drive a school bus in the State of New Jersey and are subject to all the Federal and State requirements to maintain the appropriate license.

“Employer” for the purposes of this Policy and Regulation means a Board of Education or a contractor that provides student transportation services under contract with the Board of Education. In the event the school district employs school bus drivers and bus aides and/or uses a contractor for transportation services, the “employer” for school district employed school bus drivers and bus aides shall be the Board of Education and the “employer” for contracted school bus drivers and bus aides shall be the contractor that provides student transportation under contract with the Board of Education.

School bus drivers and bus aides shall meet criminal history background check requirements pursuant to N.J.S.A. 18A:6-7.1(c) and tuberculin testing requirements pursuant to applicable State statutes and administrative codes. School bus drivers and bus aides shall be considered under the Federal Family Educational Rights and Privacy Act (FERPA) to be school officials who have a legitimate educational interest to parts of a student’s record relating to transportation, without parental consent, as outlined in N.J.A.C. 6A:27-12.1(j)1.

In addition to the medical examination required of every holder of a special license issued for the transporting of children to and from schools pursuant to N.J.S.A. 39:3-10.1 et seq., any school bus driver who is seventy years of age or older shall annually furnish, to the employer for review by the NJMVC at the NJMVC’s biannual inspection, satisfactory evidence of continuing physical fitness in the form of a medical examination by a licensed medical doctor or licensed osteopathic physician. In addition, any school bus driver



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Bus Driver/Bus Aide Responsibility

who is seventy-five years of age or older shall every six months furnish, to the employer for review by the NJMVC at the NJMVC's biannual inspection, satisfactory evidence of continuing physical fitness in the form of a medical examination by a licensed medical doctor or licensed osteopathic physician. In addition, any person applying for a special license and any person who is the holder of a special license for the transporting of children to and from schools, pursuant to N.J.S.A. 18A:39-1 et seq., shall comply with the provisions of Section 2 of N.J.S.A. 39:3-10.1a and Section 6 of N.J.S.A. 18A:39-19.1. The Chief Administrator of the NJMVC may suspend or revoke a license pursuant to N.J.S.A. 39:3-10.1.

All drivers of buses or other vehicles used by the Board for the transportation of students to and from school shall, in addition to any exam required by law, submit to a medical exam for the presence of alcohol, narcotics, or habit-producing drugs within the scope of the "New Jersey Controlled Dangerous Substances Act," (N.J.S.A. 24:21-1 et seq.).

All drivers of buses or other vehicles used by the Board for the transportation of students to and from school shall, in addition to any exam required by law, submit to a medical exam that includes hearing and visual acuity tests that are in accordance with the provisions of the "Motor Carrier Safety Improvement Act of 1999," 49 U.S.C. § 113.

A Commissioner of Education-developed training program on proper procedures for interacting with students with special needs shall be administered by the employer to all school bus drivers and bus aides in accordance with the requirements of N.J.S.A. 18A:39-19.2. This training program must be administered in accordance with the provisions of N.J.S.A. 18A:39-19.3.a. and all school bus drivers and bus aides must file a certification with their employer that the individual has completed the training program within five business days of its completion. The employer shall retain a copy of the certificate for the duration of the individual's employment and shall file a copy of the certification to the New Jersey Department of Education (NJDOE) in accordance with the provisions of N.J.S.A. 18A:39-19.3.b.

School bus drivers and bus aides shall receive training in the use of a student's educational records and in their responsibility to ensure the privacy of the student and his or her records N.J.A.C. 6A:27-12.1(j)2. In addition, permanent and substitute school bus drivers and bus aides shall be trained for the functions of their positions and in a safety education program as outlined in N.J.A.C. 6A:27-11.1 et seq.



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Bus Driver/Bus Aide Responsibility

In accordance with the provisions of N.J.S.A. 18A:39-28, school bus drivers must visually inspect the school bus they are assigned at the end of the transportation route to determine that no student has been left on the bus.

The school bus driver shall be in full charge of the school bus at all times and shall be responsible for maintaining order. The school bus driver will never exclude a student from the school bus, but if unable to manage a student, the school bus driver will report the unmanageable student to the Principal or designee of the school in which the student attends.

The Principal or designee, upon such report from the school bus driver, may assign appropriate discipline. The discipline may include excluding the student from the bus. The student's parent shall provide for the student's transportation to and from school during the time of exclusion.

Upon notification from the NJDOE that a school bus driver employed by the Board has had his or her bus driver's license suspended or revoked, the Board, within one business day of the notification, shall provide a statement to the NJDOE verifying that the school bus driver no longer operates a school bus for the Board in accordance with N.J.S.A. 18A:39-19.6.

In the event of an emergency, school bus drivers shall follow procedures established by this Board. School administrators shall organize and conduct emergency exit drills at least twice within the school year for all students who are transported to and from school. All other students shall receive school bus evacuation instruction at least once per year. School bus drivers and bus aides shall participate in the emergency exit drills, which shall be conducted on school property and shall be supervised by the Principal or person assigned to act in a supervisory capacity. Drills shall be documented in the minutes of the Board of Education at the first meeting following completion of the emergency exit drill in accordance with the provisions of N.J.A.C. 6A:27-11.2(d).

In accordance with the provisions of N.J.S.A. 18A:39-19.4, a Commissioner-developed student information card shall be completed by a parent of a student with an Individualized Education Plan (IEP), who receives transportation services, when the IEP is developed or amended. Upon receiving consent from the parent, the student information card shall be provided to a school bus driver and bus aide for each student on the bus route to which the school bus driver or bus aide is assigned for whom a student information card has been completed by the parent.



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Bus Driver/Bus Aide Responsibility

The school bus driver will immediately inform the Principal of the receiving school and the School Business Administrator or designee of the district providing the transportation following an accident that involves injury, death, or property damage. The school bus driver must also complete and file within ten days of the accident the Preliminary School Bus Accident Report prescribed by the Commissioner of Education. In addition to the Preliminary School Bus Accident Report, the driver of a school bus involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of \$500, shall complete and file within ten days after such accident a motor vehicle accident report in accordance with N.J.S.A. 39:4-130.

School bus drivers are prohibited from using a cellular telephone or other electronic communication device while operating a school bus unless the school bus is parked in a safe area off a highway or in an emergency situation pursuant to N.J.S.A. 39:3B-25. A school bus driver who violates this Policy provision is subject to fines pursuant to N.J.S.A. 39:3B-25.

School bus drivers are responsible for the safety of their students and shall rigorously observe all motor vehicle laws and regulations and State Board of Education rules in the operation of their school bus **pursuant to N.J.S.A. 39:3B-27.**

N.J.S.A. 18A:6-7.1 et seq.; 18A:25-2; 18A:39-17; 18A:39-18;
18A:39-19.1; 18A:39-19.2; 18A:39-19.3; 18A:39-19.4;
18A:39-19.6; 18A:39-28

N.J.S.A. 39:3-10.1 et seq.

N.J.S.A. 39:3B-25; **39:3B-27**

N.J.A.C. 6A:27-11.1 et seq.; 6A:27-12.1 et seq.

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Transportation of **Special Needs Students** ~~Disabled Students~~

Aug 19

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[See POLICY ALERT No. 147, 172 and 218]

8670 TRANSPORTATION OF SPECIAL NEEDS STUDENTS DISABLED STUDENTS

The Board of Education shall provide transportation services for students with **special needs in accordance with N.J.S.A. 18A:39-1 et seq., N.J.A.C. 6A:27-5.1, disabilities as required by law and with their Individualized Education Program (IEP) dictated by the student's educational needs and physical welfare.** The Board will provide the transportation **in accordance with N.J.A.C. 6A:27-5.1** specified as a related service in the program of special education approved for a disabled student **with special needs pursuant to N.J.A.C. 6A:14-3.9(a)7.** ~~Such transportation will conform to the student's Individualized Education Program (IEP) and the transportation requirements described by the Child Study Team or prescribed by the school physician.~~ **Such transportation services may include, but are not limited to, special transportation equipment, transportation aides, and special arrangements for other assistance to and from school.**

When an out-of-district placement for educational reasons is made, tTransportation shall be provided consistent with to a placement outside this district will conform to the school calendar of the receiving school. A copy of the school calendar shall be submitted to the resident district by May 15 preceding the year in which transportation is required, or at the time of placement if it occurs after May 15.

~~The transportation of a disabled student may include such special equipment, transportation aides, and special arrangements for other assistance to and from and in and around the school.~~ When necessary for the student's welfare, the **student's case manager shall** will provide the transportation coordinator **or responsible staff member** and the bus driver with specific information about the student **including safety concerns, mode of communication, and health and behavioral characteristics of a student for whom transportation services are to be provided.**

~~For Sstudents with special needs disabilities below the age of five, shall be transported in vehicles equipped with safety belts or other child restraint systems, in accordance with applicable Federal and State regulations will be used.~~



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Transportation of **Special Needs Students** ~~Disabled Students~~

The transportation of ~~disabled~~ students **with special needs** to special education programs approved by the Board and located outside the State will conform to guidelines established by the New Jersey State Department of Education **pursuant to N.J.A.C. 6A:27-2.2(c)1**. ~~Such transportation services will be dictated by the student's IEP and approved by the Child Study Team. The individual plan for a disabled student's out of State transportation will be submitted to the Office of the County Superintendent prior to its implementation. In general, transportation of out of State disabled students will be by the most economical and expeditious mode consistent with the student's special needs and will be limited to travel at the beginning and the ending of the school year.~~

State aid will be sought for the services provided in accordance with law and this **Ppolicy**. The Board directs that appropriate records be maintained and all relevant documentation be preserved in order that the district be properly reimbursed for the costs of transportation.

N.J.S.A. **18A:39-1 et seq.**; 18A:39-2.1; 18A:46-19.6; 18A:46-23

N.J.A.C. 6A:14-3.9(a)7; **6A:27-2.2**; 6A:27-5.1 ~~et seq.~~

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Parent Organizations
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[See POLICY ALERT No. 218]

9210 PARENT ORGANIZATIONS

The Board of Education will encourage and support **parent** organizations of ~~parent(s) or legal guardian(s)~~ whose objectives are to promote the educational interests of district students.

Parent organizations are organizations independent from the Board of Education. Therefore, parent organizations shall not make any representations their organization or activities are sponsored or endorsed by the Board of Education without prior approval of the Board of Education. A parent organization shall submit a request for sponsorship or endorsement of a specific activity to the Board of Education.

A ~~No~~ parent organization may **not** organize students, ~~or~~ sponsor school activities, or solicit moneys in the name of this school district or of any school in the district without the prior approval of the **Superintendent or designee** ~~Board~~. Such approval must be sought by written application to the Superintendent **or designee**.

Representatives of recognized parent organizations shall be treated by district employees as interested friends of the schools and as supporters of public education in the school district. **Representatives of recognized parent organizations shall comply with all applicable Board policies.**

The Board relies upon parent organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw recognition from any parent organization, **at will**, whose actions are inimical to the interests of the **school district and the** students of this district.

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News Media Relations
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[See POLICY ALERT No. 218]

9400 NEWS MEDIA RELATIONS

~~Representatives of the local newspapers and radio and television stations are an important link in the communications chain between the school district and the community it serves. The maintenance of a good working relationship with members of the media is essential to meeting the objectives of the school district's school and community relations program.~~

The Board of Education must give formal approval to all basic practices governing relations between ~~news~~ **the media** and the **school** district and reserves the right to negotiate, on terms most favorable to the **school** district, for the ~~radio~~ broadcasting, ~~televising~~, filming, or sound recording of any school event by an outside agency.

The _____ **Superintendent or designee** shall be the chief communications representative of the **school district Board**. ~~He/she~~ **The chief communications representative** shall be readily available to: ~~media representatives~~, provide media representatives with all appropriate and necessary information;; suggest or supply feature articles or stories;; prepare **information to be released to the media**; "press kits," assist school and parent organizations with **media** press relations;; meet periodically with media representatives;; ~~and~~ protect school personnel from any unnecessary demands on their time by ~~news~~ media representatives; **and provide additional information as appropriate.**

The _____ ~~(chief communications representative)~~ **Superintendent or designee** must ~~approve~~ **authorize** in advance interviews between staff members ~~or students~~ and media representatives **when the staff member is representing or speaking on behalf of the Board of Education or the school district.**

A school district staff member not designated by the Superintendent or designee to assist in any of the media responsibilities outlined in this Policy, including speaking to a representative of the media, is not prohibited from doing so on their own behalf as a private citizen provided the staff member does not indicate or imply they represent or are speaking on behalf of the Board of Education or the school district and indicate they are speaking on their own behalf as a private citizen.



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News Media Relations

A staff member who is acting on their own behalf as a private citizen should be cognizant of their obligations to protect the privacy and confidentiality of students and school operations in accordance with Federal and State laws.

The Board of Education reserves its right to regulate the exercise of school district staff members' First Amendment rights of the United States Constitution in such situations to the extent that such exercise may interfere with the safe and orderly operation of the schools and the learning environment.

The Superintendent or designee must and authorize the release of photographs, video or digital any images of district subjects, personnel, or students.

Any Photographs, video or digital images of a student with a disability of disabled children shall not be disseminated or used in print or media in any way if they are identified as a student with a disability disabled unless permission is granted by the parent(s) or legal guardian(s). Any Photographs, video or digital images of a child children placed in the district by DYFS the New Jersey Department of Children and Families, Division of Child Protection and Permanency shall not be published without permission of the Division Department case worker. Where the release of any a photograph, video or digital images may violate the privacy of a any student or staff member, the Superintendent or designee _____ (chief communications representative) must first secure the written permission of the staff member or the student's parent(s) or legal guardian(s).

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TEACHING STAFF MEMBERS

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Teaching Staff Member/School District
Reporting Responsibilities

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[See POLICY ALERT Nos. 186, 209 and 218]

3159 TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

The Board of Education and All certificate holders shall adhere to the reporting requirements outlined in N.J.A.C. 6A:9B-4.3 and N.J.S.A. 18A:16-1.3. ~~their arrest or indictment for any crime or offense to the Superintendent of Schools within fourteen calendar days of the arrest or indictment in accordance with the provisions of N.J.A.C. 6A:9B-4.3.~~ For the purposes of this pPolicy, "certificate holders" shall include all individuals who hold certificates, credentials, certificates of eligibility (CEs), and certificates of eligibility with advance standing (CEASs) issued by the New Jersey State Board of Examiners. For purposes of this Policy, the term "certificate" shall include all standard, emergency and provisional certificates, all credentials, and all CE and CEASs issued by the New Jersey State Board of Examiners.

All certificate holders shall report an arrest or indictment for any crime or offense to the Superintendent within fourteen calendar days of their arrest or indictment in accordance with the provisions of N.J.A.C. 6A:9B-4.3. The report submitted to the Superintendent shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holders shall also report to the Superintendent the disposition of any charge within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed "just cause" for revocation or suspension of certification pursuant to N.J.A.C. 6A:9B-4.4. The school district shall make these reporting requirements known to all new employees upon initial employment and to all employees on an annual basis.

The Superintendent of Schools shall notify the New Jersey State Board of Examiners when:

1. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
2. Nontenured teaching staff members, including substitute teachers, who are accused of criminal offenses or unbecoming conduct resign, retire, or are removed from their positions;



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Teaching Staff Member/School District Reporting Responsibilities

3. A certificate holder fails to maintain any license, certificate, or authorization that is mandated pursuant to N.J.A.C. 6A:9B for the holder to serve in a position;
4. The Superintendent of Schools becomes aware that a certificate holder has been convicted of a crime or criminal offense while in the district's employ; or
5. The Superintendent has received a report from the Department of Children and Families substantiating allegations of abuse or neglect, or establishing "concerns" regarding a certificated teaching staff member.

The school district shall cooperate with the New Jersey State Board of Examiners in any proceeding arising from an order to show cause issued by the New Jersey State Board of Examiners and based on information about the certificate holder that the school district provided. In the event the New Jersey State Board of Examiners issues an order to show cause based on the information that the school district provided about the certificate holder, it shall be the responsibility of the school district to cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

The Superintendent of Schools shall also notify the New Jersey State Board of Examiners, in accordance with the provisions of N.J.S.A. 18A:16-1.3, whenever a nontenured, certificated employee is dismissed prior to the end of the school year for just cause as a result of misconduct in office. This notification requirement shall not apply in instances where the employee's contract is not renewed. The Superintendent of Schools will comply with the additional notice requirements to the New Jersey State Board of Examiners in the event it is subsequently determined by a disciplinary grievance arbitration, a court, or an administrative tribunal of competent jurisdiction that the basis for the dismissal did not constitute misconduct in office. In addition, whenever the Superintendent of Schools notifies the New Jersey State Board of Examiners of an employee's dismissal for reasons of misconduct in accordance with the provisions of N.J.S.A. 18A:16-1.3, the employee shall receive a simultaneous copy of the notifying correspondence.



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Teaching Staff Member/School District
Reporting Responsibilities

In the event the Board of Education determines, pursuant to a tenure charge finding under N.J.S.A. 18A:6-10 or a disorderly person conviction under N.J.S.A. 9:6-8.14, that a teaching staff member has failed to report an allegation of child abuse in accordance with State law or regulations, the Board shall submit a report to the New Jersey State Board of Examiners that outlines its findings. The New Jersey State Board of Examiners shall review the certification of the teaching staff member to determine if the teaching staff member's failure to report warrants the revocation or suspension of his/her certificate. In accordance with N.J.S.A. 9:6-8.14, any person failing to report an act of child abuse, having reasonable cause to believe that an act of child abuse has been committed, may be deemed a disorderly person.

N.J.S.A. 9:6-8.14; 18A:6-10; 18A:6-38.5; 18A:16-1.3
N.J.A.C. 6A:9B-4.3; 6A:9B-4.4

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Use, Possession, or Distribution of Substances Abuse

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[See POLICY ALERT Nos. 125, 133, 205 and 218]

3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

The Board of Education recognizes a teaching staff member who reports to work under the influence of a ~~substance~~ ~~drugs or alcohol~~ poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any teaching staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. ~~A teaching staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.~~

For the purposes of this Policy, "substance" or "substances" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2; ~~or~~ any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

~~Any teaching staff member who reports to work or attends a school-sponsored function where the teaching staff member has assigned job responsibilities under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.~~

A teaching staff member shall be required to submit to an immediate medical examination to include a substance test if the Principal or designee has reasonable suspicion to believe a teaching staff member is under the influence of a substance during work hours or at a school-sponsored function where the teaching staff



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Use, Possession, or Distribution of Substances Abuse

member has been assigned job responsibilities. Refusal by of a teaching staff member to consent to the medical examination **including a** and substance test will be **deemed** determined to be a positive test result for substances. **In the event the results of the medical examination and substance test are not provided to the Superintendent, within twenty-four hours or as soon as the test results are available, it will be deemed a positive test result for substances and the teaching staff member shall be subject to appropriate discipline. Any required medical examination and testing shall be paid for by the Board.**

~~In the event a teaching staff member's medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The teaching staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the teaching staff member.~~

In the event the Board physician determines the teaching staff member was under the influence of a substance, the determination shall be reported to the Superintendent and the teaching staff member will be subject to appropriate discipline. Appropriate discipline may include, but not be limited to, withholding an increment, terminating a non-tenured teaching staff member, and/or filing tenure charges for a tenured teaching staff member in accordance with law. The teaching staff member will be afforded the opportunity to have positive test results confirmed using acceptable confirmation test practices. This confirmation test shall be paid for by the teaching staff member.

In the event a teaching staff member's medical examination and substance test results are negative for a substance or if the Board physician determines the teaching staff member was not under the influence of a substance, the results or determination shall be reported to the Superintendent and the teaching staff member shall be returned to their position unless the Superintendent has a reason the teaching staff member should not be returned to their position.



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TEACHING STAFF MEMBERS

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Use, Possession, or Distribution of Substances Abuse

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any ~~teaching~~ staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the Principal, or in the absence of the Principal, **the Principal's designee** ~~to the staff member~~ responsible at the time of the alleged violation. Either the Principal or **designee** ~~the staff member~~ shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a ~~teaching~~ staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the ~~teaching~~ staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a ~~teaching~~ staff member in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3, shall be subject to appropriate discipline which may include, but not be limited to, termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.

[Option

A teaching staff member who has been determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities may be offered a Last Chance Agreement upon the



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recommendation of the Superintendent and approval by the Board. A written Last Chance Agreement must be approved by the Board.]

42 CFR Part 2

N.J.S.A. 18A:16-3; 18A:40A-9

N.J.A.C. 6A:16-4.1; 6A:16-6.3; 6A:16-6.5 ~~6A:32-6.3~~

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SUPPORT STAFF MEMBERS

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Use, Possession, or Distribution of Substances Abuse

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[See POLICY ALERT Nos. 125, 133, 205 and 218]

4218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

The Board of Education recognizes a support staff member who reports to work under the influence of **a substance** ~~drugs or alcohol~~ poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any support staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. ~~A support staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours.~~

For the purposes of this Policy, “substance” or “substances” **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** means alcoholic beverages;; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2;; ~~or~~ any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4;; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

~~Any support staff member who reports to work under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination or the filing of tenure charges for a tenured support staff member in accordance with law.~~

A support staff member shall be required to submit to an immediate medical examination to include a substance test if the support staff member’s supervisor has reasonable suspicion to believe a support staff member is under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities.** Refusal ~~by~~ of a support staff member to consent to the medical examination **including a** and substance test will be **deemed** ~~determined to be~~ a positive result **for substances.** **In the event the results of the medical examination and substance test are not**



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provided to the Superintendent, within twenty-four hours or as soon as the test results are available, it will be deemed a positive result for substances and the support staff member shall be subject to appropriate discipline. Any required medical examination and testing shall be paid for by the Board.

~~In the event a support staff member's medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The support staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the support staff member.~~

In the event the Board physician determines the support staff member was under the influence of a substance, the determination shall be reported to the Superintendent and the support staff member will be subject to appropriate discipline. Appropriate discipline may include, but not be limited to, withholding an increment, terminating a non-tenured support staff member, and/or filing tenure charges for a tenured support staff member in accordance with law. The support staff member will be afforded the opportunity to have positive test results confirmed using acceptable confirmation test practices. This confirmation test shall be paid for by the support staff member.

In the event a support staff member's medical examination and substance test results are negative for a substance or if the Board physician determines the support staff member was not under the influence of a substance, the results or determination shall be reported to the Superintendent and the support staff member shall be returned to their position unless the Superintendent has a reason the support staff member should not be returned to their position.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any support staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or



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drug paraphernalia, shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member's **supervisor** responsible at the time of the alleged violation. Either the Principal or the staff member's **supervisor responsible at the time of the alleged violation** shall notify the Superintendent ~~of Schools~~ who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a ~~support~~ staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the ~~support~~ staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a ~~support~~ staff member in response to questioning initiated by the Principal or **Superintendent's** designee or following the discovery by the Principal or **Superintendent's** designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3, shall be subject to appropriate discipline which may include, but not be limited to, termination of a non-tenured support staff member or the filing of tenure charges for a tenured support staff member in accordance with law.

[Option

A support staff member who has been determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the support staff member has been assigned job responsibilities may be offered a Last Chance Agreement upon the recommendation of the Superintendent and approval by the Board. A written Last Chance Agreement must be approved by the Board.]

42 CFR Part 2

N.J.S.A. 18A:16-3; 18A:40A-9

N.J.A.C. 6A:16-4.1; 6A:16-6.3; 6A:16-6.5 ~~6A:32-6.3~~

Adopted:



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and Alcohol Use Testing

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[See POLICY ALERT Nos. 130, 162, 217 and 218]

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

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

Select One Option Below:

[Option 1 - For School Districts That Contract All Transportation Services and Have No School Buses, Bus Drivers, or Employees Who Operate a School Vehicle Requiring a Commercial Driver's License (CDL)]

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

In the event the Board contracts with a service provider for transportation, the _____ (designated official) will ensure all transportation contractors comply with the drug and alcohol testing requirements of Policy 4219 pursuant to 49 CFR 382 et seq. and 49 CFR 40 et seq.

The school district shall maintain and retain all records as required by Federal regulation.]

[Option 2 - For School Districts That Have School Buses, Bus Drivers, or Employees Who Operate a School Vehicle Requiring a Commercial Driver's License]

The Board requires all employees of the Board performing any safety-sensitive function to be free of drugs and alcohol and will test those employees who operate a commercial motor vehicle in accordance with 49 CFR 382 et seq. and 49 CFR 40 et seq. For the purpose of this Policy "employee" means a person



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required to have a Commercial Driver's License (CDL) in the performance of their job responsibilities. Safety-sensitive functions as defined by 49 CFR 382.107 means any time from the time an employee begins to work or is required to be in readiness to work until the time the employee is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

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

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

The Board designates the _____ (**designated official**) as the Designated Employer Representative (DER) of the Board of Education. The Board may contract with a service agent to provide the testing services as required by Federal law. In the event the Board contracts with a service provider for transportation, the Board designee will ensure all transportation contractors



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comply with the drug and alcohol testing requirements of Policy 4219 pursuant to 49 CFR 382 et seq. and 49 CFR 40 et seq.



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

Violations

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

Prohibited Substances

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

Testing Procedures

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

Definitions

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

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

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



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

"Controlled substances" means those substances identified in 49 CFR 40.85.

"CCF" means the Federal Drug Testing Custody and Control Form.

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

"FMCSA" means Federal Motor Carrier Safety Administration.

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

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

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

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

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

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



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

Categories of Testing

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

1. Pre-Employment Testing

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

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

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



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

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

[Optional for Districts that Conduct Pre-Employment Alcohol Tests]

In accordance with 49 CFR 382.301(d), the Board will conduct pre-employment alcohol tests before the first performance of safety-sensitive functions by a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions. The alcohol test will be conducted after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test. All alcohol testing will be completed in accordance with 49 CFR 40 et seq. An employee will:

[Select one of the following:

___ not begin working unless the result of the test indicates an alcohol concentration of less than 0.04.

___ not be offered employment and/or the transfer unless the result of the test indicates an alcohol concentration of less than 0.04.]



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

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

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



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2. Random Testing

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

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

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

3. Post-Accident Testing

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

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

- a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or
- b. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or



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- (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c. If the alcohol test is not administered within two hours following the accident, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the DER shall cease attempts to administer the alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

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

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



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

4. Reasonable Suspicion Testing

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

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

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

If the alcohol test is not administered within two hours following the determination a reasonable suspicion test is required, the DER will prepare and maintain on file a record stating the reasons the



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test was not promptly administered. If the alcohol test is not administered within eight hours following the determination, the DER shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test.

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

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

5. Return to Duty Testing

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

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

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



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

The SAP will determine a written follow-up testing plan for any employee who has been permitted to return to work and has successfully complied with the SAP's recommendations for education and/or treatment. Such employees are subject to a minimum of six unannounced, follow-up drug screenings and alcohol tests over the following twelve months. The testing shall not exceed forty-eight additional months. Alcohol follow-up testing shall be performed only when the employee is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions. All follow-up testing will be completed in accordance with 49 CFR 40.307. The SAP will comply with all reporting requirements of 49 CFR 40.311.

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

Medical Review Officer (MRO) Notifications

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



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Employer Notification

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

Split Specimen Tests

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

Designated Collection Facility

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

Designated Screening Laboratory

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

Specimens

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



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Refusal to Submit

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

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



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8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector);
9. Fails to follow the collection observer(s) instructions of which could be used to interfere with the collection process;
10. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or
11. Admits to the collector or MRO he/she has adulterated or substituted the specimen.

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

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

Record of Negative Screening

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



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Prescription Drugs

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

Consequences to Employees Engaging in Prohibited Conduct

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

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



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Commercial Driver's License Controlled Substance
and Alcohol Use Testing

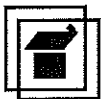
Return-to-Work Agreement

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

Maintenance and Retention of Records

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

1. Records Related to the Collection Process
 - a. Collection logbooks (if used);
 - b. Documents related to the random selection process;
 - c. Calibration documentation for Evidential Breath Testing Devices (EBT's);
 - d. Documentation of Breath Alcohol Technician (BAT) training;
 - e. Documentation of reasoning for reasonable suspicion testing;
 - f. Documentation of reasoning for post-accident testing;
 - g. Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and
 - h. Consolidated annual calendar year summaries.
2. Records Related to the Employee's Test Results
 - a. Employer's copy of the alcohol test form, including results;
 - b. Employer's copy of the controlled substance test chain of custody and control form;



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- c. Documents sent to the employer by the MRO;
 - d. Documentation of any employee's refusal to submit to a required alcohol or controlled substance test; and
 - e. Documents provided by an employee to dispute results of test.
- 3. Documentation of any Other Violations of Controlled Substance Use or Alcohol Misuse Policies
- 4. Records Related to Evaluations and Training
 - a. Records pertaining to the SAP's determination of an employee's need for assistance;
 - b. Records concerning an employee's compliance with the SAP's recommendations, and records related to education and training;
 - c. Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse;
 - d. Documentation of compliance with the requirement to provide employees with educational material, including an employee's signed receipt of materials;
 - e. Documentation of supervisor training; and
 - f. Certification that training conducted under this Policy complies with all requirements of the Policy.
- 5. Records Related to Drug Testing
 - a. Agreements with collection site facilities, laboratories, MROs, and consortia;
 - b. Names and positions of officials and their role in the employer's alcohol and controlled substance testing program;



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- c. Monthly statistical summaries of urinalysis; and
 - d. The employer's drug testing policy and procedures.
6. Required Period of Retention

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



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Commercial Driver's License Controlled Substance and Alcohol Use Testing

Document to be maintained	Period required to be maintained
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 Year
Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions	Indefinite time period

Other specific types of records shall be maintained in accordance with 49 CFR 382.401.

7. Location of Records

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

8. Annual Calendar Year Summary

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



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9. Employee Information Program

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

- a. By receiving a copy of this Policy and any subsequent revisions.
- b. The DER will provide written notice to employees of the following information:
 - (1) The identity of the person designated by the employer to answer employee questions about the materials;
 - (2) Which employees are subject to the alcohol misuse and controlled substance requirements;
 - (3) Explanation of what constitutes a safety-sensitive function, so as to make clear what period of the workday the employee is required to be in compliance;
 - (4) Specific information concerning employee conduct that is prohibited;
 - (5) The circumstances under which an employee will be tested for alcohol and/or controlled substances;
 - (6) The procedures that will be used to test for the presence of alcohol and controlled substances;
 - (7) The requirement that an employee submit to alcohol and controlled substance tests;
 - (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test;



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and Alcohol Use Testing

- (9) The consequences for employees found to have violated the prohibitions of this Policy, including the immediate removal of the employee from safety-sensitive functions;
- (10) The consequences for employees found to have an alcohol concentration level of 0.02 or greater but less than 0.04; and
- (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.]

Omnibus Transportation Employee Testing Act of 1991

49 CFR 40 et seq.

49 CFR 382 et seq.

49 CFR 395.2

Adopted:



[1732-001/00674619-]
8199 • 732-255-1500

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**LOCAL ADDENDUM TO THE 2019 UNIFORM STATE MEMORANDUM OF
AGREEMENT BETWEEN EDUCATION AND LAW ENFORCEMENT OFFICIALS
(MOA) BETWEEN TEANECK BOARD OF EDUCATION AND THE TOWNSHIP OF
TEANECK POLICE DEPARTMENT**

THIS ADDENDUM, dated November 26, 2019 by and between the parties hereto:

The Teaneck Board of Education and the Township of Teaneck Police Department.

W I T N E S S E T H:

WHEREAS, the MOA is a model agreement that was developed by the Department of Law and Public Safety and the New Jersey Department of Education (“NJDOE”) to ensure cooperation and coordination between law enforcement and education; and

WHEREAS, the MOA exemplifies the commitment between law enforcement and education to work together to address school-related issues, problems and emergencies of mutual concern; and

WHEREAS, the Teaneck Board of Education (“Board”) and the Teaneck Township Police Department have entered into the 2019 MOA; and

WHEREAS, the Superintendent of Schools of the Teaneck Board of Education (“Superintendent”) and the Teaneck Township Chief of Police have established a process for the implementation of the MOA in addition to, but not in conflict with the format and content of the 2019 MOA; and

WHEREAS, in furtherance of the goals of the MOA, the Superintendent, the Board and the Teaneck Police Department Chief of Police desire to enter into this local Addendum to the 2019 MOA in order to specify the sharing of pertinent student and family information.

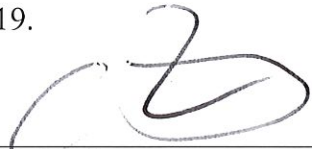
NOW, THEREFORE, so as to foster and institutionalize the spirit of communication and cooperation underlying the 2019 MOA, the parties agree as follows:

1. The Juvenile Detectives that can access the Board SKYWARD Student Information system with a user specific sign-on:

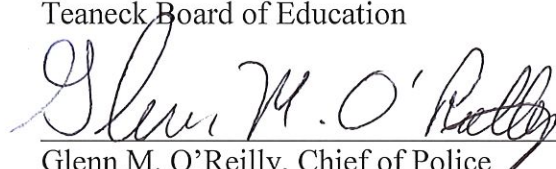
D/Lt. Seth Kriegel	skriegel@teaneckpolice.org
DSG. Harry Harrison	hharrison@teaneckpolice.org
Det. Eddy Lievano	elievano@teaneckpolicey.org
Det. Rodney Ryland	rryland@teaneckpolice.org
Det. Angel Pagan	apagan@teaneckpolice.org
Det. Daniel Dalessio	ddalessio@teaneckpolice.org
P.O. Randy Morales	rmorales@teaneckpolice.org

2. This local Addendum to the 2019 MOA is in place until June 30th of each year, and must be reviewed and renewed annually to run July 1st – June 30th, signed by the Superintendent and the Chief of Police.
3. Detectives and/or Police Officers assigned to the Juvenile Bureau must be reviewed/renewed annually by the Superintendent.
4. The Superintendent must be notified immediately of any changes in Juvenile Bureau personnel both in and out of service.
5. This Addendum can be cancelled by the Board or the Teaneck Police Department at any time, when either party serves thirty (30) days of written notice to the other party.

Signed and sealed this 26th day of November, 2019.



Dr. Christopher Irving, Superintendent of Schools
Teaneck Board of Education



Glenn M. O'Reilly, Chief of Police
Township of Teaneck

Dr. Ardie Walser, President
Teaneck Board of Education

	ACCOUNT	DESCRIPTION	AMOUNT TRANSFERRED	
			From	To
T16	20-270-200-320-82-50-I-M 20-270-200-580-92-50-I-M	TITLE IIIA/NP/PURH SERV/MAY TITLE IIA/TRAVEL/MAYANOT	(1,973.00)	1,973.00
	EXPLANATION: PD TRAVEL EXPENSES NON PUBLIC SCHOOL			
T17	11-190-100-610-18-40-J-J 12-130-100-730-18-31-J-J	GENERAL INSTRUCT'L SUPPLIES EQUIP. THOMAS JEFFERSON MS	(7,804.03)	7,804.03
	EXPLANATION: INSTRUCTIONAL TECHNOLOGY EQUIPMENT PURCHASE			
T18	11-000-270-600-83-49-02-D 11-000-270-390-83-56-0-D	SUPPLIES/TRANSPORTATION OTHER EXP./TRANSPORTING	(950.00)	950.00
	EXPLANATION: UPGRADE TO TRANSFINDER ROUTING PROGRAM			
T19	11-000-221-600-85-49-I-O 12-000-100-731-25-31-Y-J	OFFICE SUPPLIES/C&I INST'L EQUIP/FINE&PER ARTS/TJ	(600.00)	600.00
	EXPLANATION: NEW KILN FOR TJ MIDDLE SCHOOL			
T20	20-231-200-516-22-52-1-F 20-231-100-320-85-58-1-F	TITLE 1 TRANSPORTATION BFMS TITLE 1 PURCHASED EDUCATIONAL SERVICES BF	(1,010.00)	1,010.00
	EXPLANATION: FUNDS FOR STUDENT PROGRAMS			

 FINANCE COMMITTEE SIGNATURE

 DATE

Professional Development

Name: Kim Pitre
School or Department: Teaneck High School
Conference/Seminar/Workshop: 101 Most Powerful Strategies to Enhance Social Studies Instruction
Location: West Orange, New Jersey
Dates: January 8, 2020
Estimated Cost: \$301.17 – Substitute Required (District Funded)

Name: Frank Piccininni
School or Department: Thomas Jefferson Middle School
Conference/Seminar/Workshop: 101 Most Powerful Strategies to Enhance Social Studies Instruction
Location: West Orange, New Jersey
Dates: January 8, 2020
Estimated Cost: \$279.00 – Substitute Required (District Funded)

Name: Joanna Ebert
School or Department: Benjamin Franklin Middle School
Conference/Seminar/Workshop: 101 Most Powerful Strategies to Enhance Social Studies Instruction
Location: West Orange, New Jersey
Dates: January 8, 2020
Estimated Cost: \$279.00 – Substitute Required (District Funded)

Name: Christine Johnson
School or Department: Teaneck Central Office
Conference/Seminar/Workshop: New Jersey Association of School Administrators 2020 Techspo
Location: Atlantic City, New Jersey
Dates: January 30 & 31, 2020
Estimated Cost: \$861.22 – Substitute Not Required (District Funded)

Name: Adriana Lagomarsino
School or Department: Teaneck High School
Conference/Seminar/Workshop: Strengthening Students' Writing Skills
Location: West Orange, New Jersey
Dates: January 23, 2020
Estimated Cost: \$279.00 – Substitute Required (District Funded)

Professional Development

Name: Mary Joyce Laqui
School or Department: Teaneck High School
Conference/Seminar/Workshop: Equity for All Professional Learning Community Meeting
Location: Trenton, New Jersey
Dates: December 9, 2019 (1/2 Day PM)
Estimated Cost: \$61.30 – Substitute Required (District Funded)

Name: Elizabeth Robbins
School or Department: Thomas Jefferson Middle School
Conference/Seminar/Workshop: Making Best Use of Google Classroom to Strengthen Your Math Instruction
Location: West Orange, New Jersey
Dates: January 30, 2020
Estimated Cost: \$279.00 – Substitute Required (District Funded)

Name: Enoch Nyamekye
School or Department: Thomas Jefferson Middle School
Conference/Seminar/Workshop: Enhancing Social Emotional Learning With Special Education Focus
Location: Monroe, New Jersey
Dates: January 15, 2020
Estimated Cost: \$0.00 – No Substitute Required (No Funding Required)

Name: Eric Akselrad
School or Department: Teaneck High School
Conference/Seminar/Workshop: Communism in Europe: Myths & Beliefs/Realities
Location: New Brunswick, New Jersey
Dates: February 14, 2020
Estimated Cost: \$79.96- Substitute Required (District Funded)

Name: Jahaziel Valeriano
School or Department: Teaneck High School
Conference/Seminar/Workshop: Strengthening Students' Writing Skills While Significantly Decreasing Grading Time
Location: West Orange, New Jersey
Dates: January 23, 2020
Estimated Cost: \$279.00 – Substitute Required (District Funded)

Name: Kelvin Reese
School or Department: Teaneck High School
Conference/Seminar/Workshop: Lead Response Team and Psychological First Aid Drill Practice and Suicide Survivor Resources
Location: Fair Lawn, New Jersey
Dates: January 30th, February 27th, March 26th, April 30th, May 28th, 2020 (1/2 AM)
Estimated Cost: \$0.00 – Substitute Not Required (No Funding Required)

Professional Development

Name: Sharon Bellin

School or Department: Teaneck High School

Conference/Seminar/Workshop: iSTEAM Conference 2020

Location: Mahwah, New Jersey

Dates: January 14, 2020

Estimated Cost: \$179.00 –Substitute Required (District Funded)

Professional Development

Name: Danielle Amato

School/Department: Special Education Teacher – THS

Conference/Seminar/Workshop: Intro to AAC (Augmentative Alternative Communication)

Location: Paramus, NJ

Dates: 2/21/20

Estimated Cost: \$0.00 - Substitute Required (District Funded)

Name: Angela R. Davis, Colette Brantley, Jessica Brown, Dannette Coston, Reiner Cruz, Eve Klein, Dr. Lottie M. Watson, Adrienne Williams

School/Department: District HIB Staff

Conference/Seminar/Workshop: HIB Certification for NJ Anti-bullying Specialists & School Safety/ Climate Team Members

Location: Lodi, NJ

Dates: 12/12/19

Estimated Cost: \$1,200. - No Substitute Required (District Funded)

Name: Dr. Lottie Watson

School or Department: Teacher Dean/ THS

Conference/Seminar/Workshop: NJPSA – Advanced Staff & Student Investigation Techniques

Location: Monroe Township, NJ

Date: March 10, 2020

Estimated Cost: \$150.00 – Substitute Required (District Funded)

Name: Chloe Sosa-Jarrett

School or Department: Special Ed/ THS

Conference/Seminar/Workshop: Making the Best of Google Classroom & Free G Suite Apps to Enhance Content Learning

Location: Newark, NJ

Date: January 28, 2020

Estimated Cost: \$293.49 – Substitute Required (District Funded)

Professional Development

Name: Tunde Adedoyin

School or Department: Human Resources Manager

Conference/Seminar/Workshop: Affirmative Action – Discrimination Law

Sponsored by: New Jersey Principals and Supervisors Association

Location: Conference Center, Monroe, NJ

Date(s): January 15 and February 11, 2020

Estimated Cost(s): \$366.26

Substitute Not Required **(District Funded)**

Name: Kenneth Simmons

School or Department: Technology

Conference/Seminar/Workshop: Cybersecurity Risk Management Summit for NJ Schools

Sponsored by: New Jersey School Boards

Location: Trenton, New Jersey

Date(s): December 12, 2019

Estimated Cost(s): \$0

Substitute Not Required

Field Trips

Name: Leading Through Lessons

School or Department: 10 students (in total) from Benjamin Franklin Middle School & Thomas Jefferson Middle Schools

Trip Planned: Arbor Terrace Senior Living, 600 Frank W Burr Boulevard, Teaneck, NJ 07666

Date(s): January 17, 2020

Depart: 11:00 AM

Return: 1:30 PM

Estimated Cost: \$0

EXPLANATION: New volunteer partnership program whereby seniors from Arbor Terrace will share their knowledge and experience about various educational topics. Trips will take place three to four times per year. Snow date for first trip – January 24, 2020.

Field Trips

Name: Yris Acevedo, Gianni Hidalgo
 School or Department: Teaneck High School -FORUM
 Trip Planned: High Exposure Indoor Rock Climbing
 Location: Northvale, New Jersey 10 Students
 Date(s): December 10, 2019 Depart: 4:00 PM Return: 7:00 PM
 Estimated Cost: \$629.87 – Substitute Not Required (Grant Funded)
 EXPLANATION: Students will learn skills necessary to help and encourage others and will practice positive social skills.

Name: Julianne Boyle, Lisa Brown, Amanda Meller, Maria Garcia Iglesias, 2 Parent
 Chaperones
 School or Department: Hawthorne Elementary School
 Trip Planned: Prudential Center
 Location: Newark, New Jersey 20 Students
 Date(s): June 2, 2020 Depart: 1:30 PM Return: 10:00 PM
 Estimated Cost: \$517.24 – Substitute Required (Parent Funded)
 EXPLANATION: Students in the fourth grade choir will attend the American Young Voices 2020 concert.

Name: Kristen Ferreira, Debra Nicotera, Michele DiLullo, Kristen Ferreira, Jennifer Domingues, Tara Costa, Audrey Capan, Aytzaz Mohammad, Avery Lewis, 12 Parent
 Chaperones
 School or Department: Hawthorne Elementary School
 Trip Planned: New York Botanical Garden
 Location: Bronx, New York 72 Students
 Date(s): May 7, 2020 Depart: 8:40 AM Return: 2:30 PM
 Estimated Cost: \$1,115.30 – Substitute Required (Parent Funded) Rain date: May 14, 2020
 EXPLANATION: Students will learn a greater understanding of a plant's life cycle and its needs to survive in their habitat.

Name: Goldie Minkowitz, Manny Viray, Aliza Rabinowitz, Carolyn Moses, 1 Parent
 Chaperone
 School or Department: Teaneck High School Israel Club
 Trip Planned: Holocaust Museum
 Location: Washington, District of Columbia 45 Students
 Date(s): January 15, 2020 Depart: 6:30 AM Return: 11:00 PM
 Estimated Cost: \$2,500 – Substitute Required (District Funded)
 EXPLANATION: Students will learn about the Holocaust and visit the Holocaust Museum.

Name: Katie Cannao, Kim Pitre, Adriana Lagomarsino
 School or Department: Teaneck High School
 Trip Planned: Steven's Institute of Technology
 Location: Hoboken, New Jersey 30 Students
 Date(s): February 21, 2020 Depart: 8:20 AM Return: 2:45 PM
 Estimated Cost: \$297.54 – Substitute Required (District Funded)
 EXPLANATION: Students in the Junior Achievement Leadership Program will gain leadership experience and interact with leaders in the business world.

Field Trips

WALKING TRIP

Name: Molly Neff, 2 Parent Chaperones

School or Department: Thomas Jefferson Middle School

Trip Planned: Choral Festival at Teaneck High School

Location: Teaneck, New Jersey

26 Students

Date(s): January 30, 2020

Depart: 8:30 AM

Return: 12:00 PM

Estimated Cost: \$0.00 – Substitute Not Required (No Funding Required)

EXPLANATION: Students will perform three songs and will receive performance experience as well as critiquing experience.

Name: Yris Acevedo, Giannil Hidalgo

School or Department: Teaneck High School - FORUM

Trip Planned: Monster Mini-Golf

Location: Paramus, New Jersey

10 Students

Date(s): December 12, 2019

Depart: 4:00 PM

Return: 7:00 PM

Estimated Cost: \$376.87 – Substitute Not Required (Grant Funded)

EXPLANATION: Students will learn team-building and practice social skills.

Name: Yris Acevedo, Giannil Hidalgo

School or Department: Teaneck High School - FORUM

Trip Planned: Maggiano's

Location: Hackensack, New Jersey

10 Students

Date(s): December 17, 2019

Depart: 4:00 PM

Return: 7:00 PM

Estimated Cost: \$736.15 – Substitute Not Required (Grant Funded)

EXPLANATION: Students will practice table etiquette and social skills.

Name: Yris Acevedo, Giannil Hidalgo

School or Department: Teaneck High School - FORUM

Trip Planned: Dave and Buster's

Location: Wayne, New Jersey

10 Students

Date(s): December 19, 2019

Depart: 4:00 PM

Return: 7:00 PM

Estimated Cost: \$726.37 – Substitute Not Required (Grant Funded)

EXPLANATION: Students will practice social skills and this trip serves as a reward for positive group participation.

Name: Alison Goerg, Smanatha Jankowski, Holly Koehler, Janine Lawler, Camille Silverman, Tatiana Stripling, 18 Parent Chaperones

School or Department: Whittier Elementary School

Trip Planned: New York Botanical Garden

Location: New York, New York

78 Students

Date(s): May 14, 2020

Depart: 8:15 AM

Return: 2:00 PM

Estimated Cost: \$620.30 – Substitute Not Required (Parent Funded)

EXPLANATION: As part of our science curriculum, students will learn about plant reproduction and growth in a hands on environment.

Field Trips

Name: David Deubel, Michael Smith, Mickell Taylor, Dominique Chiu, Mariam Muneisen, Kathy Crimmins, Diana Spain, Walter Hickey, Barbara Preziosi, Margaret Tewey, 3 Paras
School or Department: Thomas Jefferson Middle School

Trip Planned: Camelback Aquatopia Indoor Waterpark & Adventures

Location: Tannersville, Pennsylvania

100 Students

Date(s): June 12, 2020

Depart: 8:00 AM

Return: 6:30 PM

Estimated Cost: \$5,000.00 – Substitute Required (Parent Funded)

EXPLANATION: This is the eighth grade culminating and celebratory trip.

Name: Yvette Ortega-Ulubay, Caridad Clavelo, Jahaziel Valeriano

School or Department: Teaneck High School

Trip Planned: Fairleigh Dickinson University

Location: Teaneck, New Jersey

40 Students

Date(s): January 8, 2020

Depart: 8:30 AM

Return: 2:00 PM

Estimated Cost: \$335.21 – Substitute Required (District Funded)

EXPLANATION: Students will visit the college and receive an instant decision for interested seniors and an explanation of financial aid.

FIELD TRIPS

Trip Leader(s): Colleen Pagan & Vatrell Graves (Plus: 13 Para Chaperones)

School/Department: Benjamin Franklin Middle School

Trip Planned: Nutcracker

Destination: Bergen County Academies – Hackensack, NJ

Date(s): 12/13/19

Estimated Cost: \$189.87 – No Substitute Required (District Funded)

Students: 19

Departing: 9:15am – **Return:** 12:45

Explanation: To improve, generalize, and maintain targeted behavior and social skills.
Benefits IEP driven goals.

Trip Leader(s): Colleen Pagan & Vatrell Graves (Plus: 13 Para Chaperones)

School/Department: Benjamin Franklin Middle School

Trip Planned: Bergen Town Center Mall

Destination: Paramus, NJ

Dates: 2/14/20

Estimated Cost: \$214.93 – No Substitute Required (District Funded)

Students: 19

Departing: 10:30am – **Return:** 2:30pm

Explanation: To improve, generalize, and maintain targeted behavior and social skills.
Benefits IEP driven goals.

Trip Leader(s): Colleen Pagan & Vatrell Graves (Plus: 13 Para Chaperones)

School/Department: Benjamin Franklin Middle School

Trip Planned: Abma's Farm

Destination: Wyckoff, NJ

Dates: 5/8/20

Estimated Cost: \$227.46 – No Substitute Required

Students: 19

Departing: 9:15am – **Return:** 2pm

Explanation: To improve, generalize, and maintain targeted behavior and social skills.
Benefits IEP driven goals.

FIELD TRIPS

Trip Leader(s): Lisa Sgambati, Lauren Finizio, Stacie DiBona (Plus: 13 Para Chaperones)

School/Department: Lowell (MD Class)

Trip Planned: Bowler City

Destination: Hackensack, NJ

Dates: 1/10/20

Estimated Cost: \$699.74 – No Substitute Required (District Funded)

Students: 16

Departing: 9:00am – **Return:** 12:30pm

Explanation: All students will work to generalize language, academic and social skills from the classroom into the community. Benefits IEP driven goals.

Trip Leader(s): Lisa Sgambati, Lauren Finizio (Plus: 13 Para Chaperones)

School/Department: Lowell (MD Class)

Trip Planned: Liberty Science Center

Destination: Jersey City, NJ

Dates: January 24, 2020

Estimated Cost: \$1,039.33 – No Substitute Required (District Funded)

Students: 17

Departing: 9:00am – **Return:** 3:00pm

Explanation: All students will work to generalize language, academic and social skills from the classroom into the community. Benefits IEP driven goals.

Trip Leader(s): Lisa Sgambati, Lauren Finizio (Plus: 9 Para Chaperones)

School/Department: Lowell (MD Class)

Trip Planned: Museum of Natural History

Destination: New York, NY

Dates: 2/7/20

Estimated Cost: \$620.30 – No Substitute Required (District Funded)

Students: 17

Departing: 9:00am – **Return:** 3:00pm

Explanation: All students will work to generalize language, academic and social skills from the classroom into the community. Benefits IEP driven goals.

FIELD TRIPS

Trip Leader(s): Lisa Sgambati, Lauren Finizio (Plus: 9 Para Chaperones)

School/Department: Lowell (MD Class)

Trip Planned: Bergen Town Center Mall

Destination: Paramus, NJ

Dates: 2/21/20

Estimated Cost: \$620.30 – No Substitute Required (District Funded)

Students: 17

Departing: 9:30am – **Return:** 2:30pm

Explanation: All students will work to generalize language, academic and social skills from the classroom into the community. Benefits IEP driven goals.

Trip Leader(s): Lisa Sgambati, Lauren Finizio (Plus: 13 Para Chaperones)

School/Department: Lowell (MD Class)

Trip Planned: Bergen PAC (Shanghai Circus)

Destination: Englewood, NJ

Dates: 2/25/20

Estimated Cost: \$943.48 – No Substitute Required (District Funded)

Students: 23

Departing: 9:00am – **Return:** 12:30pm

Explanation: All students will work to generalize language, academic and social skills from the classroom into the community. Benefits IEP driven goals.

Fundraising Activities by School

School or Department: Benjamin Franklin Middle School

Fundraising Activity: Bake Sale

Sponsoring Organization: National Junior Honor Society

Name of sponsors: Jesse Gorant - Student Club Advisor

Participants: The students will sell to faculty, staff and other students

Location(s): School Lobby

Date(s): December 17, 2019 - April 30, 2020

Estimated funds to be raised by this activity: \$200

Funds to sponsoring organization: 100%

EXPLANATION: The proceeds would go to charitable organizations.

Student ID	Tuition	Amount	Effective Date
96863	BCSS Gateway School	\$62,100.00	11/18/2019

Community Based Instruction (Work Locations)
Teacher: Danny Gareri

Skillz-BarberShop

365 Essex St, Hackensack, NJ 07601
(201) 343-0111

JoAnn Fabrics

30 A&S Dr, Paramus, NJ 07652
(201) 444-7926

Stop & Shop

665 American Legion Dr, Teaneck, NJ 07666
(201) 287-9400

The Fit Factory

100 S Van Brunt St, Englewood, NJ 07631
(201) 227-0200

Biddy O'Malleys

36 N Van Brunt St, Englewood, NJ 07631
(201) 608-5545

Pearl Vision

341 NJ Rt. 4 West. Paramus, NJ 07631
(201) 489-6000

Hummus Elite

39E Palisade Ave, Englewood, NJ 07631
(201) 569-5600

Denny's Fashion, Style, For All

45 Nathaniel Pl, Englewood, NJ 07631
(201) 503-8244

HARDSHIP AND ELIGIBILITY AMENDMENTS TO
THE Teaneck Board of Education
403(b) RETIREMENT PLAN

WHEREAS, the Teaneck Board of Education ("Plan Sponsor") maintains the Teaneck Board of Education 403(b) Retirement Plan ("Plan"); and

WHEREAS, pursuant to Rev. Procs. 2013-22 and 2019-39, and IRS Notice 2018-95, the Plan Sponsor amends the plan documents in a good faith effort to meet the requirements of law, regulations or other issuances regarding eligibility requirements and hardship distributions; and

WHEREAS, this amendment is intended as a good faith effort to comply with the requirements of eligibility to participate in the Plan and hardship distribution final regulations and is to be construed in accordance with the same. Both the Amendment and the eligibility and hardship distribution final regulations will supersede any inconsistent Plan provisions;

NOW, THEREFORE, BE IT RESOLVED that the "Note" provisions set forth in the Adoption Agreement, "Employee Eligibility" is hereby restated and amended to read as follows:

[Note: An Employee normally works fewer than 20 hours per week if, for the 12-month period beginning on the date the Employee's employment commenced, the Employer reasonably expects the Employee to work fewer than 1,000 hours of service (as defined under section 410(a)(3)(C) of the Code) in such period, and, for each Plan Year ending after the close of that 12-month period, the Employee has worked fewer than 1,000 hours of service in the preceding 12-month period. Under this provision, an Employee who works 1,000 or more hours of service in the 12-month period beginning on the date the Employee's employment commenced or in a Plan Year ending after the close of that 12-month period shall then be eligible to participate in the Plan. Once an Employee becomes eligible to have Elective Deferrals made on his or her behalf under the Plan under this standard, the Employee cannot be excluded from eligibility to have Elective Deferrals made on his or her behalf in any later year under this standard. Careful attention must be paid to compliance with the 20-hour rule by the District as it is necessary to the tax-qualification of the Plan.]

[Note: Persons occupying an elected or appointive public office are not eligible for the Plan unless such office is one to which the individual is elected or appointed only if the individual has received training, or is experienced, in the field of education.]

BE IT FURTHER RESOLVED that the "Note" provision set forth in the Adoption Agreement, "Hardship Distributions" is hereby restated and amended to read as follows:

[Note: if hardship distributions under the Plan are allowed, the Plan and Vendors will apply the IRS "safe harbor" rules for such distributions. Effective 1/1/2020, the plan will no longer suspend elective contributions following a hardship withdrawal. See section 5.5 of the Plan for more information.]

BE IT FURTHER RESOLVED that section 5.5 of the Basic Plan Document, "Hardship Withdrawals" is hereby restated and amended to read as follows:

5.5 Hardship Withdrawals

(a) Hardship withdrawals shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets to be withdrawn to satisfy the hardship.

(b) The Individual Agreements shall provide for the exchange of information among the Employer or Employer's agent and the Service Provider(s) to the extent necessary to implement the Individual Agreements, including, in the case of a hardship withdrawal that is automatically deemed to be necessary to satisfy the Participant's financial need (pursuant to Section 1.401(k)-1(d)(3)(iv)(E) of the Income Tax Regulations). In addition, in the case of a hardship withdrawal that is not automatically deemed to be

necessary to satisfy the financial need (pursuant to Section 1.401(k)-1(d)(3)(iii)(B) of the Income Tax Regulations), the Service Provider shall obtain information from the Employer or other Service Provider(s) to determine the amount of any plan loans and rollover accounts that are available to the Participant under the Plan to satisfy the financial need.

(c) Safe Harbor Contributions/ONECs/QMACs. Effective 1/1/2020, hardship distributions are permitted from Qualified Non-Elective Contributions, Qualified Matching Contributions or contributions used to satisfy the safe harbor requirements of Code sections 401(k)(12) or 401(k)(13), or 401(m)(11) or 401(m)(12), if available under the Plan and not held in a Custodial Account.

(d) Amount Necessary to Satisfy Need Requirement. Effective 1/1/2020, a distribution will be determined to satisfy an immediate and heavy financial need only if the three criteria listed below are met:

i. The distribution is not in excess of the amount required to satisfy the financial need (including any amounts necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the distribution);

ii. The Participant has obtained all other currently available distributions, other than hardship distributions, under any deferred compensation plan, whether qualified or nonqualified, maintained by the Employer; and

iii. The Participant has represented (in writing or by an electronic medium) that he has insufficient cash or other liquid assets to satisfy the financial need.

(e) Six-Month Suspension. Effective 1/1/2020, the Plan will not initiate a six-month suspension period on Elective Deferrals (and after-tax contributions) following a hardship distribution.

(f) Loan Requirement. Effective 1/1/2020, Participants are not required to take all available nontaxable loans before applying for a hardship distribution.

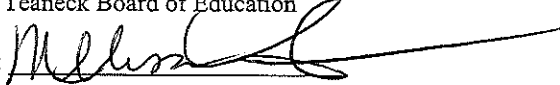
(g) Modification of Repair Expense. Between 1/1/18 and 2/17/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)-1(d)(3)(iii)(B)(6) and Basic Plan Document 5.5(g)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165. Effective 2/19/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)-1(d)(3)(iii)(B)(6)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165 (determined without regard to section 165(h)(5) and whether the loss exceeds 10% of adjusted gross income).

(h) New Safe Harbor Financial Need Provision. Effective 1/1/2020, the following immediate and heavy financial need will be considered as a safe harbor criteria for hardship distributions in addition to the safe harbor financial need provisions outlined in 5.5(g) of the Basic Plan Document and §1.401(k) - 1(d)(3)(iii)(B):

i. Expenses and losses (including loss of income) incurred by the Employee on account of a disaster declared by the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provided that the Employee's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual assistance with respect to the disaster.

BE IT FURTHER RESOLVED that the Plan, as restated and amended is hereby approved and adopted.

IN WITNESS WHEREOF, the Plan Sponsor has caused this Resolution and Amendment to be adopted this ____ day of _____, 2019.

Teaneck Board of Education
By: 

CORRECTIVE ACTION PLAN
For the Fiscal Year Ended June 30, 2019

SCHOOL DISTRICT Teaneck Public Schools

COUNTY Bergen County

CONTACT PERSON Melissa Simmons, Business Administrator

TYPE OF AUDIT CAFR

TELEPHONE NUMBER (201) 833-5527

DATE OF BOARD MEETING December 11, 2019

EMAIL ADDRESS msimmons@teaneckschools.org

RECOMMENDATION NUMBER	FINDING/RECOMMENDATION	CORRECTIVE ACTION REQUIRED BY THE BOARD	METHOD OF IMPLEMENTATION	PERSON RESPONSIBLE FOR IMPLEMENTATION	PLANNED COMPLETION DATE OF IMPLEMENTATION
2019-002.A	Finding: An inquiry and subsequent review of the Position Control Roster found incomplete information contained therein. The Position Control Roster lacked account codes, salary information and other mandatory details as prescribed N.J.A.C. 6A23A-6.8. Recommendation: That the Position Control Roster be updated and maintained with the mandatory detailed information as prescribed by N.J.A.C. 6A:23A-6.8.	1. The District shall provide training for maintaining and updating the Position Control Roster in the CSI database. 2. The District shall develop and implement a standard operating procedure outlining the process for maintaining the Position Control Roster in compliance with N.J.A.C. 6A:23A-6.8.	Training/Webinar Standard Operating Procedure	Human Resource Manager and staff whose job functions call for the monitoring and maintenance of personnel records and the District's Position Control Roster.	December 4, 2019
2019-002.B	Finding: There were instances where amounts for 2018-2019 employee health benefits were not allocated throughout the year between appropriate accounts based on employees' specific departments. Recommendation: The district should reference the Uniform Minimum Chart of Accounts for New Jersey Public Schools, 2019 Edition and other available reference materials, such as the Budget Guidelines for the proper classification required to be in compliance with N.J.A.C. 6A:23-2.3(f).	1. The District shall review the approved Uniform Minimum Chart of Accounts (2019 Edition) and update the internal account codes training document to ensure the use of appropriate line item accounts when categorizing expenditures. 2. The updated training document shall be reviewed with and made accessible to all employees whose job functions require the use of the district's internal accounting system.	Training/Webinar Standard Operating Procedure	Human Resource Manager and staff whose job functions call for the monitoring and maintenance of personnel records and the District's Position Control Roster.	December 4, 2019

2019-002.C	Finding: Not all cash receipts were promptly deposited for the Teaneck Community Education Center and the collections from athletic events. Recommendation: All cash receipts should be promptly deposited.	The District shall promptly deposit all cash receipts by implementing internal controls to coordinate scheduled cash drop-offs from school-based sites to the School Business Office within 24 hours of receipt.	Standard Operating Procedure	School Business Administrator, Comptroller, and staff who are designated to receipt cash on behalf of the District.	December 4, 2019
2019-002.D	Finding: There were instances in which cash transfers between funds/accounts were not recorded in the respective general ledgers. <i>Transfers between the warrant account and food service/FSA account/community school.</i> Recommendation: All transactions should be recorded in the operating system.	The District shall implement internal controls to ensure all financial transactions are properly recorded within the existing accounting/operating system.	Internal Controls	School Business Administrator, Comptroller	December 4, 2019
2019-002.E	Finding: The following bank reconciliations include reconciling items older than 180 days. a. Payroll Account b. Teaneck High School Activity Account c. Warrant Account Recommendation: That all stale dated reconciling items be reviewed and voided as appropriate.	The District shall identify all stale dated reconciling items older than 180 days and void as appropriate.	Internal Controls	School Business Administrator, Comptroller, Payroll Manager, School Treasurer (THS)	December 4, 2019
2019-004.A	Finding: There were instances in which catering services for board meetings and special events were charged to the food service fund. Recommendation: Catering services should be paid for by those receiving the services and should not be charged to food service.	The district shall charge all expenditures for catering services to the line item accounts associated with the departments receiving the services.	Internal Controls	School Business Administrator and all staff whose job functions are related to	December 4, 2019
2019-005.A	Finding: There were athletic event tickets unaccounted for within the sequence. Recommendation: That more care be taken to ensure all tickets are properly recorded and accounted for	The district shall implement internal controls/procedures to ensure that all event tickets are logged appropriately (start and end of all events).	Training Standard Operating Procedure	Athletic Director and all staff whose job functions involve selling and/or distributing event tickets at District events/functions.	December 4, 2019

CHIEF SCHOOL ADMINISTRATOR

DATE

BOARD SECRETARY/SCHOOL BUSINESS ADMINISTRATOR

DATE