1000 ADMINISTRATION

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1100 SCHOOL ORGANIZATION

The Board of Trustees directs the establishment and implementation of an organizational plan for the management and control of school operations. The plan will require the identification and resolution of problems at appropriate organizational levels. All references to school administrators in policies or regulations shall be construed to mean that administrator or his/her designee.

All members and employees of this Board are directed to observe faithfully the chain of communications established by the school organizational plan. In general, a problem should be identified and its resolution attempted at the level most immediate to the problem's origin. When a resolution cannot be found at that level, remedy may be sought through appropriate resolution and remediation procedures.

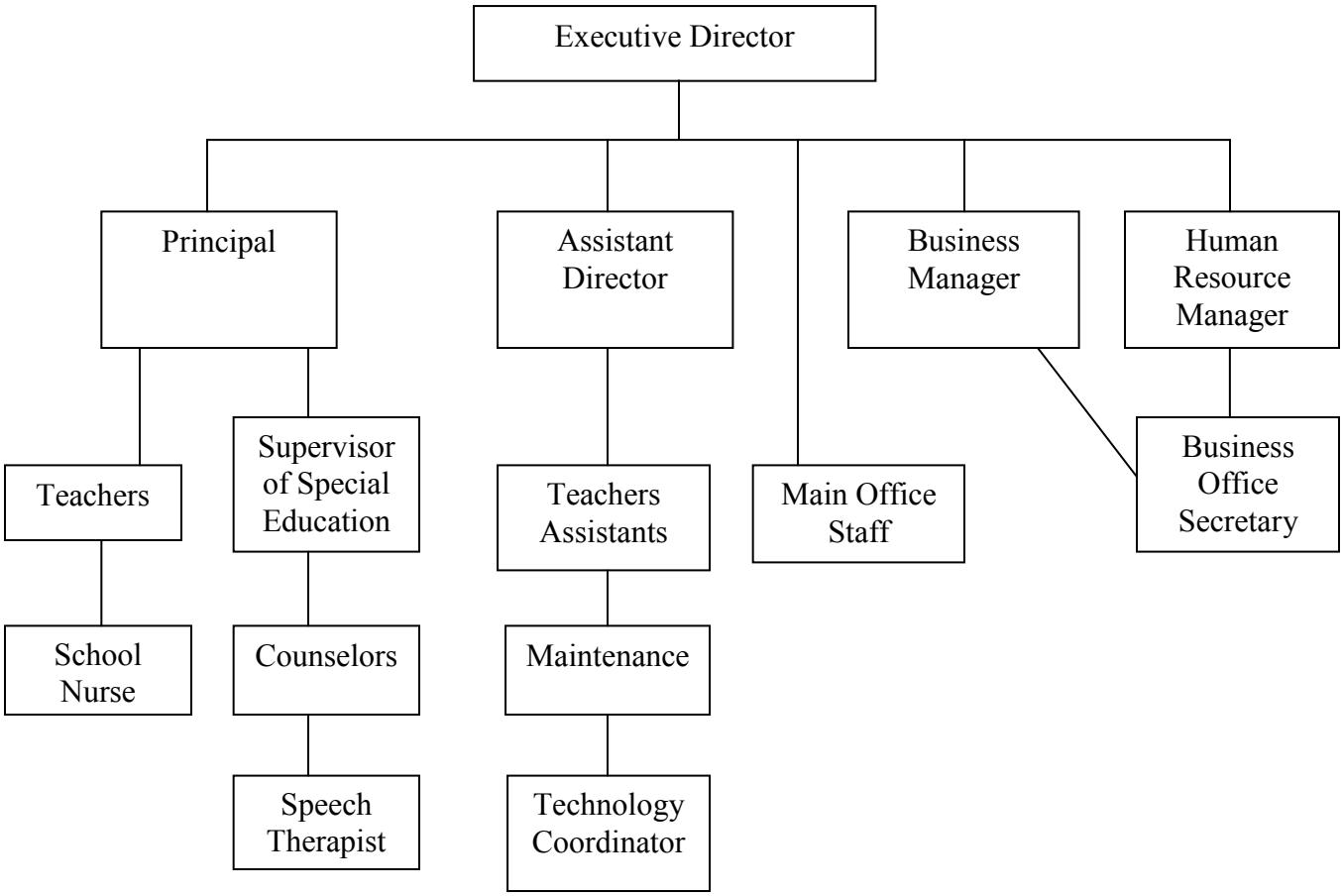
The Board expressly disapproves of any attempt to expedite the resolution of a problem by disregard of the organizational plan and the appropriate processes. A staff member's persistent disregard for the established management organization of this school in violation of this policy will be considered an act of insubordination subject to discipline.

Adopted: 24 October 2019

POLICY

ESSEX VALLEY SCHOOL

1110 ORGANIZATIONAL CHART



Adopted: 24 October 2019

1120 MANAGEMENT TEAM

The Board of Trustees recognizes the value of a system of management organization that enhances communication among administrators and between the administration and the Board, encourages a shared responsibility for educational policy decisions, and provides for the equitable resolution of conflicts.

The Board shall establish a management team that includes the Executive Director and those administrative, supervisory, and support staff members who are responsible for employee evaluation, the adjudication of grievances, supervision of employees, or recommendations regarding the employment of employees.

The Executive Director shall institute a management team system that will provide a means for:

1. Submitting recommendations to the Board on issues of educational policy;

2. Addressing the economic concerns and working conditions of management team members, including their job descriptions, evaluation, salaries, fringe benefits, promotions, assignments, and transfers;

3. The development of administrative procedures; and

4. The consideration of such additional and appropriate issues as may be identified by the Executive Director or the management team.

Adopted: 24 October 2019

1130 STAFF LIAISON COMMITTEES

The Board of Trustees encourages the Executive Director to maintain close liaison with staff members in order to coordinate school programs and operations, to consult with appropriate staff members in developing administrative regulations and formulating recommendations for Board consideration, and to detect and resolve problems as they may arise.

The Executive Director is authorized to establish such staff liaison committees as he/she may deem necessary.

No staff liaison committee can be delegated the authority to make decisions or take action that is reserved to the Board or the Executive Director. Committee reports and recommendations are advisory only.

Adopted: 24 October 2019

1210 BOARD-EXECUTIVE DIRECTOR RELATIONS

The Board of Trustees believes that it is the primary duty of the Board to establish policies and the primary duty of the Executive Director to implement and administer those policies.

The Executive Director, as Chief Administrative Officer of the school, is the primary professional advisor to the Board. Policy shall not be adopted or revised without consultation with the Executive Director.

The Executive Director is responsible for the development, supervision, and operation of the school program and facilities and will be given latitude to implement and administer policies in accordance with such standards as may have been set forth in the policies. The Executive Director will discharge his/her responsibility in part through the establishment and promulgation of administrative regulations.

In evaluating the effectiveness of Board policy in meeting the goals of the school, the Board will request the Executive Director to make appropriate inquiries, investigations, and reports.

Adopted: 24 October 2019

1220 EMPLOYMENT OF EXECUTIVE DIRECTOR

The Board of Trustees vests the primary responsibility for the administration of this school in an Executive Director and recognizes the appointment of a person to that office is one of the most important functions this Board can perform. The Executive Director shall have a seat on the Board of Trustees and the right to speak on matters at meetings of the Board (pursuant to N.J.S.A. 18A:17-20.a or N.J.S.A. 18A:17-20.b), but shall have no vote.

Recruitment Procedures

The Board shall actively seek the best qualified and most capable candidate for the position of Executive Director. The Board may use a consultant service to assist in the recruitment process. Recruitment procedures may include, but are not limited to, the following activities:

1. The preparation of a new or a review of an existing written job description;

2. Preparation of informative material describing the school and its educational goals and objectives;

3. Where feasible, the opportunity for applicants to visit the school;

4. Establish an interview process that encourages the candidate and the Board members to have a meaningful discussion of the school's needs and expectations. The Board members shall review and discuss the candidate's credentials, qualifications, educational philosophy, and other qualities and expertise he/she can offer to the school;

5. Solicitation of applications from a wide geographical area; and

6. Strict compliance with law and Policy 1530 on equal employment opportunity.

Employment Contract

The Board of Trustees will provide the Executive Director a written employment contract.

Adopted: 24 October 2019

1230 EXECUTIVE DIRECTOR'S DUTIES

Essential Job Functions

The Executive Director administers, directs, and coordinates all activities of the school. The Executive Director is responsible for implementing the goals and objectives of the school and to oversee the day to day operations of the school. The Executive Director acts as the liaison between the Board of Trustees and the medical, administrative, educational, therapeutic, social services, maintenance, clerical and all support staff in accordance with the policies, practices, and procedures established and approved by the Board of Trustees.

Qualifications

- A Bachelor's Degree from an accredited college or university with a major course of study in education, special education, administration, therapeutic concentration or related field.
- A Master's Degree from an accredited college or university in a related field preferred.
- Experience as a supervisor in an organization providing direct services to a similar population.
- Successfully complete a required criminal background check and have proof of U. S. citizenship or legal resident alien status by completing Federal Form I-9 in compliance with the Immigration Reform and Control Act of 1986.
- Shall be able to communicate effectively in English with a clear and concise manner both orally and in writing.
- Shall be able to problem solve and use good judgment when addressing routine issues and emergencies.
- Demonstrate the ability to use electronic equipment for word processing, retrieval of information, and telecommunications.

Working Conditions, Job Hazards, Environmental Demands

- The Executive Director shall be required to work in indoor and outdoor environments.



- This position may require riding in wheelchair accessible vehicles and taxi cabs on city streets, major highways, and rural roadways.

- This position may encounter duties to include, anticipated tasks or procedures where there is a degree of actual or potential exposure to blood or other potentially infectious material.

- The behavior of children and adults with disabilities may change dramatically without obvious cause, which may, at times, create hazardous situations. The Executive Director shall be expected to utilize good judgment and interventions to maintain the safety of the child, others and self.

- Lifting, transferring or moving of persons or objects may be required. Knowledge and use of various transfer options shall be required.

- This position may encounter duties to include pushing and pulling of individuals in wheelchairs (manual and power).

Duties and Responsibilities

Note: This job description is not intended to be an exhaustive list of all job tasks, skills, responsibilities, and/or working conditions associated with this job. They are intended to be a reflection of the core requirements of this position within the operation of the Essex Valley School.

1. Administer, direct, and coordinate all activities of the school, in accordance with the school's mission and the school's goals and objectives.

2. Provide for the health and safety of clients, staff, volunteers and all others involved in school activities and agency sponsored programs.

3. Initiate, direct, and coordinate grant proposals and other fundraising activities.

4. Responsible for the fiscal operations of the school in accordance with the policies, practices, and procedures established and approved by the Board of Trustees and the New Jersey State Department of Education.

5. Maintain positive relationships with local and state funding agencies including governmental, health, and educational departments and other organizations.

6. Ensure that the school is in compliance with all applicable rules and regulations of the local, State, and Federal agencies.

7. Responsible for the development of long range plans and for coordinating the development of new programs.

8. Responsible for developing and maintaining an organizational structure with lines of responsibility and accountability in accordance with Board policy and procedure.

9. Responsible for integrating the programs and the staff into a cohesive whole and for ensuring the school's standards are achieved and maintained.

10. Promote staff professional development to ensure that the school continues to provide a high level of quality service to clients and community.

11. Have a working knowledge of technology and its applications.

12. Assist the Board of Trustees in developing policies, practices, and procedures. Maintain the policy and procedure manuals for all programs.

13. Attend the meetings of the Board and committees of the Board.

14. Supervise the preparation of materials, financial reports, and minutes for the Board. Prepare other reports for the Board as needed.

Adopted: 24 October 2019

1240 EVALUATION OF EXECUTIVE DIRECTOR

The purpose of the annual evaluation is to promote professional excellence and improve the skills of the Executive Director, improve the quality of the education received by the students in the schools, and provide a basis for the review of the Executive Director's performance.

This Policy and Regulation 1240 shall be developed by the Board of Trustees after consultation with the Executive Director and shall include, but not be limited to:

1. Determination of roles and responsibilities for the implementation of the annual evaluation policy and procedures;

2. Development of a job description and evaluation criteria based upon the Board of Trustees' local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the Executive Director;

3. Specification of data collection and reporting methods appropriate to the job description;

4. Provisions for the preparation of an individual professional growth and development plan based in part upon any need(s) identified in the evaluation. The plan shall be mutually developed by the Board of Trustees and the Executive Director; and

5. Preparation of an annual performance report by a majority of the full membership of the Board of Trustees and an annual summary conference between a majority of the total membership of the Board of Trustees and the Executive Director.

There shall be an annual summary conference between the Board of Trustees, with a majority of its total membership present, and the Executive Director which shall be held before a performance report is filed. The conference shall be held in executive session, unless the Executive Director requests that it be held in public. The conference shall include, but not be limited to, review of the following:

1. Performance of the Executive Director based upon the Board approved job description;

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

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

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

1. Performance area(s) of strength;

2. Performance area(s) needing improvement based upon the job description and evaluation criteria;

3. Recommendations for professional growth and development;

4. A summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Executive Director's performance; and

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

The evaluation procedure for an Executive Director shall be completed by July 1 each year.

Each newly appointed or elected Board of Trustees member shall complete a New Jersey School Boards Association training program on the evaluation of the Executive Director within six months of the commencement of his or her term of office.

The Board of Trustees shall add to the Executive Director's personnel file all annual performance reports and supporting data, including, but not limited to, indicators of student progress and growth. All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Trustees for the purposes of conducting the educator evaluation process shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act.



The Board President, or the Board President's designee, shall oversee the annual evaluation of the Superintendent. The Board of Trustees may hire a qualified consultant to assist or advise in the evaluation process; however, the evaluation itself shall be the responsibility of the Board of Trustees.

Policy and Regulation 1240 shall be distributed to the Executive Director upon adoption by the Board. Amendments to this Policy and Regulation shall be distributed within ten working days after adoption.

The provisions of this Policy and Regulation are the minimum requirements for the evaluation of an Executive Director.

Adopted: 24 October 2019

1260 INCAPACITY OF EXECUTIVE DIRECTOR

The Board of Trustees will appoint, by the affirmative votes of a majority of the members of the full Board, and fix the compensation of an Acting Executive Director to serve when the Executive Director is so incapacitated as to render him/her unable to perform the duties of the office of Executive Director.

The Executive Director will be deemed to be incapacitated when:

1. The Executive Director is absent on disability leave of a projected duration of one hundred eighty days or more; or

2. The Executive Director is certified incapacitated by a physician in accordance with Board Policy 3161; or

3. The Executive Director has been suspended with pay; or

4. The Executive Director has been suspended without pay pending the resolution of charges.

The Acting Executive Director shall discharge the duties of the office until the Executive Director returns, resigns, or is removed from the position. The acts of the Acting Executive Director shall be legal and binding as if done by the Executive Director.

Adopted: 24 October 2019

1310 EMPLOYMENT OF BUSINESS MANAGER

The Board of Trustees shall appoint a qualified and capable person to fill a vacancy in the position of Business Manager. An appointment shall be made within a reasonable time after the occurrence of the vacancy and by the recorded roll call vote of a majority of the full Board. No person shall act as Business Manager or perform the duties of a Business Manager, as prescribed by the rules and regulations of the State Board of Education, unless he/she holds such a certificate.

All candidates for the position of Business Manager must produce evidence of their training and/or experience in the fields of: economics; law; accounting; organizational theory; management or administration; finance; and other responsibilities as outlined in the job description or required by the Board.

A candidate for the position of Business Manager shall be recommended to the Board by the Executive Director. The Board of Trustees will appoint a suitable person who holds the appropriate certificate as prescribed by the State Board of Education. The appointment of the Business Manager shall be made by the Board, which shall also fix the compensation to be paid to the Business Manager.

Any candidate's misstatement of fact material to qualifications for employment or the determination of salary will be considered by this Board to constitute grounds for dismissal.

Adopted: 24 October 2019

1320 DUTIES OF BUSINESS MANAGER

The Business Manager shall strive to achieve school goals for students by providing leadership and supervision in the school program of fiscal management and in other assigned programs, and by acting as a proper model for staff and students both in and outside the school.

In order to achieve the functions of the position, the Business Manager shall work cooperatively with the school administrative staff to:

1. Establish and maintain long-range and other fiscal plans;
2. Prepare the annual budget based upon school resources and needs;
3. Ensure that all school fiscal, insurance, custodial-maintenance, food, and transportation services comply with the policies of the Board and the regulations of the school;
4. Ensure the proper functioning and evaluation of school personnel assigned to his/her areas of responsibility;
5. Manage efficiently the school systems of accounting, purchasing, investment, insurance, plant construction, plant operation and maintenance, transportation, and food services;
6. Strive to increase the capability of the staff assigned to his/her area of responsibility through consultation and in-service training;
7. Analyze the effectiveness of school programs in his/her area of responsibility and recommend changes in program direction, staffing, or management strategies as necessary;
8. Strive to increase the efficient use of school resources in his/her area of responsibility;
9. Help to interpret the budget and the school affairs under his/her supervision to interested members of the school community;
10. Strive to develop personal capabilities in financial strategies and supervisory methods;
11. Strive to conduct himself or herself in a proper manner at all times;

12. Be responsible for the conduct of all duties legally assigned to his/her position including:

    a. Providing adequate notice of all public meetings of the Board;

    b. Recording the minutes of all proceedings of the Board;

    c. Collecting tuition fees and other moneys due the Board and transmitting as required by law;

    d. Examining and auditing all accounts and demands against the Board, presenting them to the Board at its meetings, indicating the Board's approval and sending them as required for payment;

    e. Keeping accounts of the school's financial transactions including a correct detailed accounting of all expenditures;

    f. Reporting to the Board at each regular meeting, but not more often than once per month, the amount of the total appropriations and cash receipts for each account, and the amounts of warrants drawn against each account, and the amounts of orders or contractual obligations incurred and chargeable against each account;

    g. Keeping all contracts, records, and documents belonging to the Board;

    h. Giving the Board a detailed report of its financial transactions at the close of each fiscal year and filing a copy with the County Superintendent;

    i. Subscribe to bonds, notes, contracts, and other legal instruments of the Board for which the signature of the Secretary is required; and

    j. Sign all school warrants and certify to the payroll, N.J.S.A. 18A:19-1, 19-9.

13. Perform such other duties as may be required by the Board or Executive Director.

The Business Manager shall be directly responsible to the Executive Director for the performance of his/her assigned duties and responsibilities as Business Manager and to the Board for the performance of his/her legal duties as Board Secretary.

Adopted: 24 October 2019

1330 EVALUATION OF THE BUSINESS MANAGER

The Executive Director will evaluate the performance of the Business Manager in order to assist both the Board and the Business Manager in the proper discharge of their responsibilities and to provide the school with efficient and effective services.

The evaluation of the Business Manager will consist of an assessment, by the Executive Director, of the Business Manager's performance of the duties specified in the job description approved by the Board. Reference will be made to the report of the auditor. The Executive Director may, in his/her discretion, consult with staff members assigned to work with the Business Manager.

The Board and the Executive Director will annually establish procedures for the evaluation of the Business Manager. Such procedures may include, but need not be limited to, an informal conference with the Business Manager for the purpose of discussing his/her job performance, a written evaluation report to which the Business Manager may add comments, and the establishment of a written plan for performance improvement and growth. The Business Manager will be evaluated by the Executive Director no later than April 30th.

Adopted: 24 October 2019

1350 INCAPACITY OF BUSINESS MANAGER

The Board of Trustees will appoint, by the affirmative votes of a majority of the members of the full Board, and fix the compensation of an Acting Business Manager to serve when the Business Manager is so incapacitated as to render him/her unable to perform the duties of the office of Business Manager.

The Business Manager will be deemed to be incapacitated when:

1. The Business Manager is absent on disability leave of a projected duration of one hundred eighty days or more; or

2. The Business Manager is certified incapacitated by a physician in accordance with Board Policy 3161; or

3. The Business Manager has been suspended with pay; or

4. The Business Manager has been suspended without pay pending the resolution of charges.

The Acting Business Manager shall discharge the duties of the office until the Business Manager returns, resigns, or is removed from the position. The acts of the Acting Business Manager shall be legal and binding as if done by the Business Manager.

Adopted: 24 October 2019

1400 JOB DESCRIPTIONS

The Board of Trustees shall adopt job descriptions for the positions of Executive Director, Business Manager, and each supervisory position. The Executive Director shall prepare, approve, and disseminate to the Board job descriptions for all other employment positions created by the Board.

All job descriptions will be written and will be based on the outcome and process goals developed by the Board and, as appropriate to the position, on program objectives. Each job description will specify:

1. The qualifications and specific certificate and endorsement required for the position;

2. The function, duties, and responsibilities of the position;

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

4. The work relationships between the position holder and other employees of the school; and

5. Any background experiences, personal qualities, and individual achievements that the Board prefers in a person appointed to the position.

Job descriptions will be reviewed periodically.

Adopted: 24 October 2019

1510 AMERICANS WITH DISABILITIES ACT

It is the policy of the Board of Trustees that no qualified individual with a disability will, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity, or services sponsored by this Board. The Board will comply with the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act).

Notice of Board Policy 1530 – Equal Employment Opportunities and Board Policy 5750 – Equal Educational Opportunity will be included in the Board policy manual, posted throughout the school, and referenced in any school statement regarding the availability of employment positions or educational services.

Employment

No employee or candidate for employment will be discriminated against in recruitment, hiring, advancement, discharge, compensation, job training, transfer, or any other term, condition, or privilege of employment solely on the basis of a disability, provided the employee or candidate can, with or without reasonable accommodation, perform the essential functions of the position sought or held.

No candidate for employment will be required to answer a question or submit to an examination regarding a disability except as such disability relates directly to perform job-related functions. No candidate will be discriminated against on the basis of a disability that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, not directly affecting the educational and/or instructional program, will be made to accommodate employment conditions to the needs of qualified individuals with disabilities, such accommodations may include, but are not limited to: making existing facilities used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The school will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the school.

Facilities Maintenance and Accessibility

No qualified individual with a disability will, because of the school's facilities being inaccessible or unusable by disabled persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new facilities will be constructed that do not fully comply with the Act. Alterations to existing facilities or part thereof, will be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with disabilities who have a need to access Board facilities.

The school will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.

Service, Program, and Activity Access

The school will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The school is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.

Evaluation and Compliance

The Executive Director or designee will evaluate school programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.

The school, with the assistance of interested persons, who may include individuals with disabilities or members of organizations representing individuals with disabilities, or other interested community members and staff, will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of the nature of the affected program or activity, or undue financial or administration burden, the school will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. 28 CFR §35.150(a)

For a period of at least three years following completion of the self-evaluation, the school will maintain on file, available for public inspection, a list of those interested persons consulted, a description of the areas examined and problems identified, and modifications made.

Enforcement - 28 CFR §35.107

The Board will designate the Executive Director as school coordinator for matters dealing with ADA compliance. The school coordinator can be contacted at the following address or telephone number:

Office Address: 1 Henderson Drive
West Caldwell, New Jersey 07006

Telephone Number: 973-244-7890

Grievance procedures are outlined in Regulation 1510.

Guarantee of Rights

The Board will not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act.

The Board will not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Policy or for that person's participation in any manner in an investigation or proceeding arising under the Act.

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

Notice

Policy and Regulation 1510 will be available to any member of the public in the school's Policy and Regulation Manual.

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)
N.J.S.A. 10:5-1 et seq.
N.J.S.A. 18A:18A-17
N.J.A.C. 6A:14-1 et seq.
34 CFR Part 104

Adopted: 24 October 2019

1530 EQUAL EMPLOYMENT OPPORTUNITIES

The Board of Trustees shall, in accordance with law, guarantee equal employment opportunity throughout the school.

The Board shall ensure all persons shall have equal and bias free access to all categories of employment and equal pay for equal work in this school without regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability. The school's employment applications and pre-employment inquiries conform to the guidelines of the New Jersey Division of Civil Rights.

The Board will use equitable practices that prevent imbalance and isolation based on race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability among the school's certificated and non-certificated staff and within every category of employment, including administration. Promotions and transfers will be monitored to ensure non-discrimination.

The Board shall not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability or socioeconomic status.

The Board will target underutilized groups in every category of employment. The Board will provide among the faculty of each school role models of diverse racial and cultural backgrounds.

The Board shall not enter into a contract with a person, agency, or organization that discriminates in employment practices or in the provision of benefits or services, on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability, either in employment practices or in the provision of benefits or services to students or employees.

The Executive Director shall promulgate a complaint procedure for the adjudication of disputes alleging violation of the law prohibiting discrimination in employment or this policy.

The Board shall not discriminate against any person for that person's exercise of rights under the laws prohibiting discrimination in employment or this policy.

Adopted: 24 October 2019

1540 ADMINISTRATOR'S CODE OF ETHICS

Definitions

"Administrator" means any employee of this school who holds a position that:

1. Requires certification with the endorsement of school administrator, Principal, or School Business Administrator;

2. Does not require certification but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school; or

3. Requires certification with the endorsement of supervisor and is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school.

"Business" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school or other public entity.

"Interest" means the ownership of or control of more than ten percent of the profits, assets, or stock of a business but does not include the control of assets in a labor union.

"Immediate family" means the person to whom the administrator is legally married and any dependent child of the administrator residing in the same household.

Code of Ethics

No administrator or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity that is in substantial conflict with the proper discharge of his/her duties in the public interest.

No administrator shall use or attempt to use his/her official position to secure unwarranted privileges, advantages, or employment for him/herself, a member of his/her immediate family, or any other person.

No administrator shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her independence of judgment in the exercise of official duties. No administrator shall act in his/her official capacity in any matter where he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the administrator or a member of his/her immediate family.

No administrator shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of official duties.

No administrator or member of his/her immediate family or business organization in which he/she has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties.

No administrator shall accept offers of meals, entertainment, or hospitality which are limited to the clients/customers of the individual providing such hospitality. Administrators may attend hospitality suites or receptions at conferences only when they are open to all attending the conference.

No administrator shall use, or allow to be used, his/her office or any information not generally available to the members of the public which he/she receives or acquires in the course of and by reason of his/her office, for the purpose of securing financial gain for him/herself, any member of his/her immediate family, or any business organization with which he/she is associated.

No administrator or business organization in which he/she has an interest shall represent any person or party other than the Board of Trustees or this school in connection with any cause, proceeding, application or other matter pending before this school or in any proceeding involving this school, except that this provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

Nothing shall prohibit an administrator or members of his/her immediate family from representing him/herself or themselves in negotiations or proceedings concerning his/her or their own interests.

Adopted: 24 October 2019

1550P EQUAL EMPLOYMENT/ANTI-DISCRIMINATION PRACTICES – APSSD

The Board of Trustees shall, in accordance with State statutes and administrative code and Federal law and regulations, strive to overcome the effects of any previous patterns of discrimination in school employment practices and shall systematically monitor school procedures to ensure continuing compliance with anti-discrimination laws and regulations.

In accordance with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., the Board of Trustees shall not refuse to hire or employ or bar or discharge or require to retire, unless justified by lawful considerations other than age, any individual or to discriminate against any individual in compensation or in terms, conditions or privileges of employment on the basis of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy or breastfeeding, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, or because of the refusal to submit to a genetic test or make available the results of a genetic test to the Board of Trustees.

N.J.S.A. 10:5-1 et seq.; 10:5-12; 10:5-29.1

Adopted: 24 October 2019

1581 VICTIM OF DOMESTIC OR SEXUAL VIOLENCE LEAVE

In accordance with the provisions of N.J.S.A. 34:11C-1 et seq., an employee who was a victim of an incident of domestic violence as defined in Section 3 of P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as defined in Section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose child, parent, spouse, domestic partner, or civil union partner was a victim shall be entitled to unpaid leave of no more than twenty days in one twelve-month period, to be used in the twelve-month period following any incident of domestic violence or any sexually violent offense as provided in N.J.S.A. 34:11C-1 et seq.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, an "employee" means a person who is employed for at least twelve months by the Board of Trustees, with respect to whom benefits are sought under N.J.S.A. 34:11C-1 et seq. – "NJ SAFE Act" for not less than 1,000 hours during the immediately preceding twelve-month period.

For the purposes of N.J.S.A. 34:11C-3 and this Policy, each incident of domestic violence or any sexually violent offense shall constitute a separate offense for which an employee is entitled to unpaid leave, provided the employee has not exhausted the allotted twenty days for the twelve-month period. The unpaid leave may be taken intermittently in intervals of no less than one day, as needed for the purpose of engaging in any of the following activities as they relate to the incident of domestic violence or a sexually violent offense:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's child, parent, spouse, domestic partner, or civil union partner;

2. Obtaining services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner;

3. Obtaining psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner;

4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner from future domestic or sexual violence or to ensure economic security;

5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or

6. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

An eligible employee may elect, or the Board of Trustees may require the employee, to use any of the accrued paid vacation leave, personal leave, or medical or sick leave (in accordance with the provisions of N.J.S.A. 18A:30-1) during any part of the twenty-day period of unpaid leave provided under N.J.S.A. 34:11C-1 et seq. In such case, any paid leave provided by the Board, and accrued pursuant to established policies of the Board, shall run concurrently with the unpaid leave provided under N.J.S.A. 34:11C-1 et seq. and, accordingly, the employee shall receive pay pursuant to the Board's applicable paid leave policy during the period of otherwise unpaid leave. If an employee requests leave for a reason covered by both N.J.S.A. 34:11C-1 et seq. and the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or the Federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. § 2601 et seq.), the leave shall count simultaneously against the employee's entitlement under each respective law.

Leave granted under N.J.S.A. 34:11C-1 et seq. and this Policy shall not conflict with any rights pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), or the Federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. § 2601 et seq.).

Prior to taking this leave an employee shall, if the necessity for the leave is foreseeable, provide the Executive Director with written notice of the need for the leave. The notice shall be provided as far in advance as is reasonable and practical under the circumstances.

Nothing contained in N.J.S.A. 34:11C-1 et seq. and this Policy shall be construed to prohibit the Executive Director from requiring that a period of this leave be supported by the employee with documentation of the domestic violence or a sexually violent offense which is the basis for the leave. If documentation is required, the employee shall be regarded as having provided sufficient documentation if the employee provides one or more of the following:

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

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

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

4. Medical documentation of the domestic violence or a sexually violent offense;

5. Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, stating that the employee or employee's child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense; or

6. Other documentation or certification of the domestic violence or a sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's child, parent, spouse, domestic partner, or civil union partner in dealing with the domestic violence or a sexually violent offenses.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, "Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals; and "designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, "Rape Crisis Center" means an office, institution, or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information, and follow-up counseling.

The Board shall display conspicuous notice of its employees' rights and obligations pursuant to the provisions of N.J.S.A. 34:11C-1 et seq., in such form and in such manner as the Commissioner of Labor and Workforce Development shall prescribe, and use other appropriate means to keep its employees so informed.

No provision of N.J.S.A. 34:11C-1 et seq. and this Policy shall be construed as requiring or permitting the Board to reduce employment benefits provided by the Board or required by a collective bargaining agreement which are in excess of those required by N.J.S.A. 34:11C-1 et seq. Nor shall any provision of N.J.S.A. 34:11C-1 et seq. be construed to prohibit the negotiation and provision through collective bargaining agreements of leave policies or benefit programs which provide benefits in excess of those required by N.J.S.A. 34:11C-1 et seq. This provision shall apply irrespective of the date that a collective bargaining agreement takes effect.

Nothing contained in N.J.S.A. 34:11C-1 et seq. and this Policy shall be construed as permitting the Board to:

1. Rescind or reduce any employment benefit accrued prior to the date on which the leave taken pursuant to N.J.S.A. 34:11C-1 et seq. commenced; or

2. Rescind or reduce any employment benefit, unless the rescission or reduction of the benefit is based on changes that would have occurred if an employee continued to work without taking the leave provided pursuant to N.J.S.A. 34:11C-1 et seq.

All information and/or documentation provided to the Board or Executive Director pursuant to N.J.S.A. 34:11C-1 et seq., any information regarding a leave taken pursuant to N.J.S.A. 34:11C-1 et seq., and any failure of an employee to return to work, shall be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a Federal or State law, rule, or regulation.

The Board of Trustees shall not discharge, harass or otherwise discriminate or retaliate or threaten to discharge, harass or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave to which the employee was entitled pursuant to N.J.S.A. 34:11C-3 or on the basis that the employee refused to authorize the release of information deemed confidential pursuant to N.J.S.A. 34:11C-3.f.

N.J.S.A. 34:11C-1 et seq.

Adopted: 24 October 2019

1613P DISCLOSURE AND REVIEW OF APPLICANT'S EMPLOYMENT HISTORY – APSSD

A school district, charter school, nonpublic school, approved private school for students with disabilities (APSSD), or contracted service provider holding a contract with a school district, charter school, nonpublic school, or APSSD (hiring entity) shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the hiring entity complies with the requirements of N.J.S.A. 18A:6-7.6 et seq. and as outlined in Policy and Regulation 1613P.

An applicant the hiring entity seeks to offer employment to and will fill a position which involves regular contact with students shall be required to provide their employment history pursuant to N.J.S.A. 18A:6-7.7.a.(1). The applicant shall also provide written authorization that consents to and authorizes the disclosure of information regarding the applicant's employment history and the release of related records by the applicant's current or former employer(s) regarding child abuse and/or sexual misconduct pursuant to N.J.S.A. 18A:6-7.7.a.(2). The applicant shall also provide a written statement as to whether the applicant has any employment history regarding child abuse or sexual misconduct pursuant to N.J.S.A. 18A:6-7.7.a.(3).

A hiring entity shall review an applicant's employment history as required in N.J.S.A. 18A:6-7.7.b. and if the hiring entity determines to continue the applicant's employment application process, the hiring entity shall contact those employers listed by the applicant and request confirmation of the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a.

Upon the hiring entity receiving and reviewing the information disclosed by the applicant's current and/or former employer(s), and finding an affirmative response to any of the inquiries required in N.J.S.A. 18A:7.7.b.(2), and if the hiring entity determines to continue with the applicant's job application process, the hiring entity shall make further inquiries of the applicant's current or former employer(s) to ascertain additional details regarding the information disclosed.

The failure of an employer to provide the information requested by the hiring entity pursuant to N.J.S.A. 18A:6-7.7.b. within a twenty-day timeframe may be grounds for the automatic disqualification of an applicant from employment with a hiring entity in accordance with N.J.S.A. 18A:6-7.9.c.

In accordance with the provisions of N.J.S.A. 18A:6-7.9.c., a hiring entity shall not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated because of any information received or due to the inability to conduct a full review of the applicant's employment history pursuant to N.J.S.A. 18A:6-7.7.

In accordance with the provisions of N.J.S.A. 18A:6-7.9.d., a hiring entity shall have the right to immediately terminate an individual's employment or rescind an offer of employment if the applicant is offered employment or commences employment following June 1, 2018 and information regarding the applicant's history of sexual misconduct or child abuse is subsequently discovered or obtained by the employer that the employer determines disqualifies the applicant or employee from employment under N.J.S.A. 18A:6-7.6 et seq. The termination of employment pursuant to N.J.S.A. 18A:6-7.9 shall not be subject to any grievance or appeals procedures or proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule, or regulation.

A hiring entity may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review of information received pursuant to N.J.S.A. 18A:6-7.7.b. provided the conditions outlined in N.J.S.A. 18A:6-7.10.b. are satisfied.

All requests for information sent to an APSSD from a hiring entity regarding a current or former employee in accordance N.J.S.A. 18A:6-7.6 et seq. shall be directed to the Executive Director or designee. The Executive Director or designee shall review the request for information and confirm the applicant's employment relationship and ensure the written authorization is in compliance with N.J.S.A. 18A:6-7.7.a.(2) prior to the release of information requested and the release of related records in accordance with N.J.S.A. 18A:6-7.6 et seq.

On or after June 1, 2018, a hiring entity may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that is prohibited as outlined in N.J.S.A. 18A:6-7.12. Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after June 1, 2018 and that is contrary to N.J.S.A. 18A:6-7.6 et seq. shall be void and unenforceable.

Pursuant to N.J.S.A. 18A:6-7.11, information received by an APSSD under Policy and Regulation 1613P and N.J.SA. 18A:6-7.6 et seq. shall not be deemed a public record under N.J.S.A. 47:1A-1 et seq. or the common law concerning access to public records. A school district, charter school, nonpublic school, or APSSD that provides information or records about a current or former employee or applicant shall be immune from criminal and civil liability for the disclosure of the information, unless the information or records provided were knowingly false.

N.J.S.A. 18A:6-7.6; 18A:6-7.7; 18A:6-7.8; 18A:6-7.9;
18A:6-7.10; 18A:6-7.11; 18A:6-7.12; 18A:6-7.13
New Jersey Department of Education Guidance and Resources to Assist with Pre-Employment Requirements of P.L. 2018, c.5. (June 25, 2018)

Adopted: 24 October 2019

1642P EARNED SICK LEAVE LAW - APSSD

All employees of an approved private school for students with disabilities (APSSD) shall be provided earned sick time by the APSSD that meets or exceeds the provisions of the New Jersey Earned Sick Leave Law (Act), N.J.S.A. 34:11D-1 through 34:11D-11. Policy 1642P outlines the provisions of the Act for all employees of an APSSD.

An APSSD is required to establish and maintain an employee handbook that must be distributed to all staff each school year and made available to the Department of Education upon request, in accordance with N.J.A.C. 6A:23A-18.5(f). The APSSD's employee handbook shall include an outline of all employee fringe benefits. All employee fringe benefits shall be adopted at a Board meeting and documented in Board minutes prior to implementing the fringe benefits. Employee fringe benefits must be consistent with N.J.A.C. 6A:23A-18.6(a)23 for which costs are deemed allowable.

The APSSD shall be in compliance with N.J.S.A. 34:11D-2 if the APSSD offers fringe benefits regarding paid time off to an employee, which are fully paid and shall include, but are 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 are accrued at a rate equal to or greater than the rate described in N.J.S.A. 34:11D-2.

In the event paid time off provisions for personal, vacation, and/or sick days granted by the APSSD to an employee do not meet or exceed the requirements of the Act, Policy 1642P shall be used to ensure the APSSD's paid time off provisions outlined in their employee handbook meet or exceed the requirements of the Act.

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

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

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

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

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

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

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

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

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

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

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

"Employee" means, for the purposes of Policy 1642P, an individual engaged in service for compensation to this APSSD.

"Employer" means, for the purposes of Policy 1642P, this APSSD.

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

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

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

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

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

"Spouse" means a husband or wife.

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

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

2. For every thirty hours worked, the employee shall accrue at least one hour of earned sick leave. The employer may provide an employee with their full complement of earned sick leave for a benefit year as required under N.J.S.A. 34:11D-2 on the first day of each benefit year in accordance with the Act.

3. The employer may permit the employee to accrue or use in any benefit year, or carry forward from one benefit year to the next, more than forty hours of earned sick leave.

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

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

4. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The employer may pay an employee for unused earned sick leave at the end of the benefit year pursuant to N.J.S.A. 34:11D-3.c.

   a. If the employer provides an offer to an employee for payment of unused earned sick leave in the final month of the employer's benefit year the employee shall choose, no later than ten calendar days from the date of the employer's offer, whether to accept a payment or decline a payment. If the employee does not accept the employer's offer within ten calendar days from the date of the employer's offer, the employee is deemed to have declined the employer's offer.

   b. If the employee agrees to receive a payment, the employee shall choose a payment for the full amount of unused earned sick leave or for fifty percent of the amount of unused earned sick leave. The payment amount shall be based on the same rate of pay that the employee earns at the time of the payment.

   c. If the employee declines a payment for unused earned sick leave, or agrees to a payment for fifty percent of the amount of unused sick leave, the employee shall be entitled to carry forward any unused or unpaid earned sick leave to the proceeding benefit year as provided pursuant to N.J.S.A. 34:11D-2.a. and B.1., B.2., and B.3. above.

   d. If the employee agrees to a payment for the full amount of unused earned sick leave, the employee shall not be entitled to carry forward any earned sick leave to the proceeding benefit year pursuant to N.J.S.A. 34:11D-2.a. and B.1, B.2., and B.3. above.

5. If the employer provides an employee with the full complement of earned sick leave for a benefit year on the first day of each benefit year as indicated in B.2. above then the employer shall:

   a. Permit the employee to carry forward any unused sick leave to the next benefit year; or

   b. Provide to the employee a payment for the full amount of unused earned sick leave in the final month of the employer's benefit year in accordance with C.4. above. The employer may pay the employee the full amount of unused earned sick leave in the final month of a benefit year pursuant to B.2. above and N.J.S.A. 34:11D-3 only if the employer forgoes, with respect to that employee, the accrual process for earned sick leave during the next benefit year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Preventing or prohibiting the employer from agreeing to provide rights or benefits which are more favorable to employees than those required by the Act or to provide rights or benefits to employees not covered by the Act;

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

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

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

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

I. Severability – N.J.S.A. 34:11D-9

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

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

Adopted: 24 October 2019

2000 PROGRAM

Number	Title
2110	Philosophy of Education/School Mission Statement (M)
2200	Curriculum Content (M)
2210	Curriculum Development (M)
2230	Curriculum Guides (M)
2260	Affirmative Action Program for School and Classroom Practices (M)
2270	Religion in the School
2310	Student Grouping
2312	Class Size
2330	Homework
2340	Field Trips
2360	Use of Technology
2361	Acceptable Use of Computer Networks/Computers and Resources (M)
2363	Student Use of Privately-Owned Technology
2411	Guidance Counseling (M)
2412	Home Instruction Due to Health Condition (M)
2416	Programs for Pregnant Students (M)
2418	Section 504 of the Rehabilitation Act of 1973 – Students (M)
2430	Co-Curricular Activities (M)
2431P	Athletic Competition – APSSD (M)
2431.4	Prevention and Treatment of Sports-Related Concussions and Head Injuries (M)
2440	Summer Session
2461	Special Education/Receiving Schools (M)
2461.13	Visitations/Observations
2462P	Behavior Modification Program – APSSD (M)
2466	Needless Public Labeling of Students with Disabilities (M)
2481	Home or Out-of-School Instruction for a General Education Student for Reasons Other Than a Temporary or Chronic Health Condition (M)
2510	Adoption of Textbooks
2520	Instructional Supplies (M)
2530	Resource Materials
2531	Use of Copyrighted Materials
2551	Musical Instruments
2610P	Educational Program Evaluation - APSSD (M)
2622	Student Assessment (M)
2624	Grading System

2110 PHILOSOPHY OF EDUCATION/SCHOOL MISSION STATEMENT

The fundamental purpose of Essex Valley School is to provide a therapeutic and academic environment that is designed to nurture the emotional, intellectual, behavioral, and social growth of each student so that he/she may become a contributing member of society. To achieve this purpose, the Essex Valley School shall:

1. Provide a comprehensive program that incorporates academic instruction, the arts, vocational training, and counseling.

2. Create an environment, which enables students to develop respect for and an understanding of the rights and opinions of others.

3. Focus on the recognition and utilization of individual strengths to aid all students in accepting themselves while establishing their roles in their community.

4. Encourage success and enthusiasm for learning.

5. Promote logical decision making while encouraging the development of problem solving skills, coping skills, and personal responsibility.

These objectives will be achieved through the formation of a partnership consisting of Essex Valley School staff, students, their families, their sending school districts, and appropriate State and local agencies.

Adopted: 24 October 2019

2200 CURRICULUM CONTENT

The Board of Trustees will provide the instruction and services mandated by law and rules as necessary for the implementation of a thorough and efficient system of education and such other instruction and services as the Board deems appropriate for the thorough and efficient education of the students of this school.

For purposes of this policy "curriculum" means planned learning opportunities designed to assist students toward the achievement of the intended outcomes of instruction.

The curriculum will be reviewed by the Executive Director or designee. In accordance with law, the curriculum shall, as a minimum, include the curricular mandates of N.J.S.A. 18A - Education and N.J.A.C. 6 and 6A - Education and all of the New Jersey Core Curriculum Content Standards and Cumulative Progress Indicators and the courses required by Policy 5460 and N.J.A.C. 6A:8-5 for high school graduation.

Essex Valley School's high school program is based on thirty-five credits per year. Each academic class is equivalent to five credits. (Physical Education is four credits. Health is one credit. Electives are one and a quarter credits each marking period. Counseling is five credits). A total of one hundred forty credits after four years of high school can be earned.

The courses offered at Essex Valley School are as follows:

- English

  English I, II, III, IV, Basic Skills English

- Mathematics

  General Math, Basic Skills Math, Consumer Math, Pre-Algebra, Algebra I & II, Geometry, Advanced Math, Business, Financial Literacy

- Social Sciences

  World Cultures, U.S. History I & II, Psychology, Criminology, Sociology, World Geography, American History I & II, World Study Global Issues

- Science

  General, Earth, Biology, Environmental, Physical, Chemistry, Physics



- Physical Education

  Physical Fitness, Health/Nutrition, Sports League

- Computer Skills

  Computer Science, Keyboarding

- Foreign Language

  Spanish I & II, Honors Spanish

- Additional Courses

  The following are additional courses available during the school year. Students are assigned to any one or two elective classes each marking period.

  Art/Art Photography/Art Crafts
  Automotive
  Career Exploration
  Computer Skills
  Cosmetology I & II/Barbering/Manicure
  Culinary Arts
  Driver's Education (written test preparation)
  Keyboarding
  Landscape Design
  Multimedia Design
  Music Appreciation
  Woodshop I & II/Construction Technology
  Digital Technology

The Executive Director, along with the school's administrators, is responsible for implementing the curriculum in accordance with a student's IEP.

Adopted: 24 October 2019

2210 CURRICULUM DEVELOPMENT

The Board of Trustees is committed to the continuing improvement of the educational program of the school. To this end, the curriculum shall be evaluated and modified in accordance with a plan for curriculum development.

As educational leader of the school, the Executive Director shall be responsible to the Board for the development of curriculum and shall establish procedures for curriculum development that ensure the effective participation of teaching staff members, students, the community, and members of the Board.

The Executive Director may conduct experimental programs that are not part of the duly adopted curriculum and are deemed to be necessary to the continuing growth of the instructional program; he/she shall report to the Board any such pilot program conducted, along with its objectives, evaluative criteria, and costs, before each such program is initiated.

The Executive Director shall report to the Board periodically on all progress in curriculum development.

Adopted: 24 October 2019

2230 CURRICULUM GUIDES

The Board of Trustees directs the preparation of a guide for each approved course of study in order to direct and assist teaching staff members toward the attainment of goals addressed by that course.

Each curriculum guide will contain, as appropriate to the course of study, content standards; objectives, concepts, and skills to be taught; attitudes and appreciations to be developed; suggested activities designed to achieve the objectives; suggested methods of instruction; performance indicators; evaluation criteria intended to test the extent to which learning objectives have been achieved; and a reading list of supplemental titles for the guidance of teachers.

The curriculum guides will be the basic instructional tool for each course of study.

Each teacher shall conduct the course of study as required by the course guide. Any deviation from the content of the guide must be approved by the Principal in advance of its implementation.

The Executive Director shall be responsible for the preparation of curriculum guides, and shall develop a plan for such preparation that includes the participation of appropriate staff members and resource personnel; the participation of members of the community; the participation of students at appropriate grade levels; continuing research in instructional methods, materials, and activities; systematic review of all curriculum guides to ensure their continuing usefulness in achieving goals set by the Board; and a system of administrative review to ensure that curriculum guides are being followed by teaching staff members to the degree of conformity desired by the Board.

Copies of all current curriculum guides shall be kept on file in the office of the Principal.

Adopted: 24 October 2019

2260 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES

The Board of Trustees shall provide equal and bias-free access for all students to all school facilities, courses, programs, activities, and services, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, by:

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

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

3. Utilizing a State-approved English language proficiency measure on an annual basis for determining the special needs of English language learners and their progress in learning English;

4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;

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

6. Ensuring that a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies that such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty.

The Board of Trustees shall ensure that the school's curriculum and instruction are aligned to the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs and by providing opportunities for students to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, by:

1. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;

2. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;

   a. Portions of classes which deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided that the course content for such separately conducted sessions is the same.

3. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs including gifted and talented, accelerated, and advanced classes;

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

5. Ensuring that African American history, as well as the history of other cultures, is infused into the curriculum and taught as part of the history of the United States, pursuant to N.J.S.A. 18A:35-1 and the New Jersey Core Curriculum Content Standards; and

6. Ensuring that instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate, pursuant to N.J.S.A. 18A:35-28.

The Board of Trustees shall ensure all students have access to adequate and appropriate counseling services. When informing students about possible careers, professional or vocational opportunities, the Board shall not restrict or limit the options presented to students on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. The school will not use tests, guidance, or counseling materials which are biased or stereotyped on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

The Board of Trustees shall ensure that the school's physical education program and its athletic programs are equitable, co-educational, and do not discriminate on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, as follows:

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

Adopted: 24 October 2019

2270 RELIGION IN THE SCHOOL

The Board of Trustees recognizes that religious belief and disbelief are matters of personal conviction rather than governmental authority and the students of this school are protected by the First Amendment of the United States Constitution and by Article I, Paragraph 4 of the New Jersey State Constitution from the establishment of religion in the school. School officials will be neutral in their treatment of religion in the school, showing neither favoritism toward nor hostility against religious expression. Accordingly, devotional exercises will be permitted in this school. The following activities will be permitted in the school provided the activity is consistent with current United States Supreme Court decisions regarding the relationship between government and religion: prayer during instructional time; organized prayer groups and activities; religious expression and prayer in classroom assignments; student assemblies and extra-curricular events; prayer at graduation; baccalaureate ceremonies; devotional exercises; and other prayer and/or religion related activities. The school will not permit an activity if the activity advances or inhibits any particular religious expression that is protected by the First Amendment of the United States Constitution.

The Board believes that an understanding of religions and the contributions that religion has made to the advancement of civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, the curriculum may be developed to include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board also acknowledges the degree to which a religious consciousness has enriched the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the school frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may, therefore, be religious in nature shall not, by itself, bar their use by the school. The Board directs that teaching staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the thorough and efficient education of the children of this school, not for its conformity to religious principles. Students should receive unbiased instruction in the school so that they may privately accept or reject the knowledge so gained in accordance with their own religious tenets.

U.S. Const. Amend. 1
U.S. Department of Education - Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools – February 7, 2003
N.J. Const. (1947) Art. 1, para. 4
N.J.S.A. 18A:35-4.6 et seq.; 18A:36-16
Adopted: 24 October 2019

2310 STUDENT GROUPING

The Board of Trustees believes that each student should be provided with the instruction that will best suit his/her intellectual, physical, emotional, and social capabilities. The Board authorizes the Principal to develop the placement and promotion of students that will offer them the greatest educational benefit based on their Individualized Education Plan (IEP).

The grouping of students should be flexible and should take into consideration the age, mental ability, past academic record, emotional needs, physical maturity, and interests of each student.

Adopted: 24 October 2019

2312 CLASS SIZE

The Board of Trustees directs that the number of students assigned to any one class be governed by considerations of instructional quality and economy of operation as established in accordance with administrative code.

A desired range for the minimum and maximum number of students that shall be assigned to classes shall be established in accordance with administrative code.

The Executive Director shall prepare guidelines for class size. Maximum limits shall take into account the subject matter, type of instruction, ability of students, availability of aides, and use of special facilities and equipment and may be waived to accommodate the demands of a temporary increase in enrollment. Class sizes shall be in accordance with the New Jersey Administrative Code.

Adopted: 24 October 2019

2330 HOMEWORK

The Board of Trustees acknowledges the educational validity of work assigned to students for completion outside the classroom as an adjunct to and extension of the instructional program of the school.

The teacher will determine the extent of homework for each child as applicable.

Adopted: 24 October 2019

2340 FIELD TRIPS

The Board of Trustees recognizes that field trips properly planned and integrated with the curriculum are an educationally sound and important part of the program of the school that can supplement and enrich classroom instruction by providing learning experiences in an environment outside the school.

For purposes of this policy, a field trip means any journey by a group of students away from the school premises, under the supervision of a teacher, and integrally related to an approved course of study.

The Principal shall approve all proposed field trip locations.

The school shall assume the costs of curricular field trips.

A student who violates rules or disregards the authority of supervisors on a field trip significantly endangers the safety of other students and may be summarily dismissed from the trip. The teaching staff member in charge will make arrangements for the dismissed student's transportation to home or school as appropriate. The cost of any such transportation will be borne by the parent(s) of the student. The Board reserves the right to take further disciplinary measures in accordance with Policy 5600.

The Principal shall prepare regulations for the operation of field trips that ensure that the safety and well-being of students shall be protected at all times; that parental permission is sought and obtained before any student may be removed from the school for a field trip; that each field trip is properly planned, integrated with the curriculum, and followed up by appropriate activities that enhance its usefulness; that the effectiveness of field trip activities are monitored and continually evaluated; that teachers are allowed a considerable degree of flexibility and innovation in planning field trips; that no field trip will be approved unless it contributes to the achievement of specified instructional objectives; and that teachers are not permitted to make on-site alterations to a trip itinerary, except where the health, safety or welfare of students is imperiled or where changes or substitutions beyond the control of the teacher have frustrated the purpose of the trip.

If the permission slip is not returned to the school, the child will not be permitted to go on the trip.

Adopted: 24 October 2019

2360 USE OF TECHNOLOGY

The Board of Trustees recognizes the use of technology in the educational process is an essential part of the schooling experience. Technology is to be viewed as a resource to enhance the learning process among other resources available to teachers and students. In addition, technology can be used to enhance the administration of the school. In order to provide direction and meaning to the use of technology as an instructional resource, the Board encourages and supports staff use of technology as a component of the learning process.

For purposes of this policy "technology" includes, but is not limited to, the use of computers and computer peripherals, communications networks, access to databases and libraries of information and the integration of audio, video, multimedia devices and media for purposes of teaching and learning.

The Executive Director, in consultation with teaching and support staff, shall recommend to the Board the acquisition of appropriate technology to best implement the curricular, instructional, and administrative program of the school. The Executive Director shall prepare a technology plan for the school to encompass the following:

Curricular, Instructional and Administrative Need

The technology plan shall define the curricular, instructional and administrative need for technological equipment and media for the school.

In-service Education

The Board shall provide opportunities for school staff to participate in in-service programs on hardware or software programs to be used in the execution of educational and administrative tasks. In-service programs may be provided in or out of the school.

Standards, Codes and References

All technology installations shall conform to the industry standards and applicable Federal, State and local statutes and codes.

Facilities Planning

In all facilities projects involving new constructions, additions, and renovations the Executive Director or designee shall ensure the plans include provisions for current and future technology needs in terms of the structural, electric/electronic, mechanical, acoustical and visual systems of the building(s). All educational specifications shall include features required for the use of instructional technology.

Computers

The school will provide support or maintenance agreements for specified brands of computers. All other computers purchased or donated will be subject to repair only when non-allocated funding is available and therefore may remain unrepaired until funding is available.

Computer Software Acquisition and Upgrading

The school will only support the specified upgrades and training. Staff members shall not purchase software that has not been included on a list of specified software or has been approved by the Technology Coordinator.

The Executive Director will recommend the purchase of upgrades to software as needed. An evaluation of upgrades shall be made by appropriate personnel and no upgrade shall be purchased without the express approval of the Technology Coordinator.

Site Licenses

In the case where more than one copy of a software program is required, the Technology Coordinator shall attempt to acquire or negotiate a site license with the software developers. In the event a site license is not possible, vendors shall be sought who will provide multiple copies at a discounted cost.

Software Copyright

All employees shall strictly adhere to the copyright laws of the United States. No software shall be copied and/or distributed except in accordance with these laws. All software placed on media workstations or any network with public access shall be copy protected by the Technology Coordinator, who shall assure that individuals who have access to such programs shall not copy them without authorization.

Internal Communication (School)

The school shall provide communication by a variety of means.

External Communications

The Board encourages the use of external communications so the school may utilize the vast resources of external databases and communicate with other schools, external agencies, and businesses throughout the world. Gateways to such communications will be supported by the school. The use of particular gateways shall be approved by the Technology Coordinator. The Technology Coordinator shall be responsible for the installation of software in school owned computers and/or computer systems that prevents access to gateways and Internet sites that have material considered by the Technology Coordinator to be inappropriate for use by students.



Computer Laboratories and Distributed Computing

In order to provide teacher, staff, and student access to computers, the Board directs that provisions be made to provide computer access in computer laboratories, classrooms, and school libraries/media centers.

Audio/Video

All audio and/or video materials shall be used in accordance with the copyright laws of the United States. Teachers, students, or staff who create audio or video materials containing the voices or images of the individuals involved shall obtain proper releases from those individuals, their parent(s) for instructional use within the school.

Informing Parents and Interested Parties

Upon request, the Principal shall make available to parents the computer hardware and software used in the school in order that a computer purchased privately for home use may be compatible with the computer and software the student uses in the school setting.

Technology Coordination

The Board shall appoint a Technology Coordinator to assure the technology needs of the school are met in the most efficient manner possible at the lowest costs available to meet specified needs.

Broadcast Rights and Copyrights

The Board specifically retains the Broadcast rights and copyrights to all materials created by employees of the Board as part of their responsibilities to the Board. Any financial remuneration for the use of such materials shall be retained by the Board.

Computer Security

The Technology Coordinator shall develop security procedures to include, but not be limited to, the following areas:

1. Physical Security of Equipment

   All computer equipment shall be maintained in a secure manner appropriate to its location.

2. Data Security

   a. Back-up procedures for system files, libraries, and data shall be practiced in a timely fashion.

   b. Disaster recovery plans shall be kept up-to-date at all times.

   c. Password protection shall be in place and updated periodically.

   d. Resource security shall be in place to prevent unauthorized access to system files, libraries, and data.

3. Employee Training

   All new employees having, as part of their job responsibilities, access to computers and information systems will be trained in the proper security procedures outlined above.

   All employees having, as part of their job responsibilities, access to computers and information systems will be kept up-to-date on current security procedures for equipment and data.

4. Transaction Audit Trail

   Appropriate procedures will be maintained in order to monitor system activity and users, as necessary.

5. Security Officer

   The Executive Director shall designate the Technology Coordinator as the school's Computer Security Officer to monitor system security procedures.

Use of Facsimile (FAX) Machines

Fax machines provide a useful means of communicating and shall be subject to the same rules that apply to the use of telephones. All incoming faxes shall be considered confidential mail. No disclosure of the contents of any fax shall be made except to the individual for whom the fax is intended. Any individual violating this confidentiality shall be subject to discipline as provided by the policies and regulations of the Board.

Adopted: 24 October 2019

2361 ACCEPTABLE USE OF COMPUTER NETWORKS/ COMPUTERS AND RESOURCES

The Board of Trustees recognizes as new technologies shift the manner in which information is accessed, communicated, and transferred; these changes will alter the nature of teaching and learning. Access to technology will allow students to explore databases, libraries, Internet sites, and bulletin boards while exchanging information with individuals throughout the world. The Board supports access by students to these information sources but reserves the right to limit in-school use to materials appropriate for educational purposes. The Board directs the Executive Director to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes technology allows students access to information sources that have not been pre-screened by educators using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer networks and declares unethical, unacceptable, or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, and/or instituting legal action.

The Board provides access to computer networks/computers for educational purposes only. The Board retains the right to restrict or terminate student access to computer networks/computers at any time, for any reason. School personnel will monitor networks and online activity to maintain the integrity of the networks, ensure their proper use, and ensure compliance with Federal and State laws that regulate Internet safety.

Standards for Use of Computer Networks

Any individual engaging in the following actions when using computer networks/computers shall be subject to discipline or legal action:

A. Using the computer networks/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities that violate Federal, State, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the networks. Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.

B. Using the computer networks/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.



C. Using the computer networks in a manner that:

1. Intentionally disrupts network traffic or crashes the network;

2. Degrades or disrupts equipment or system performance;

3. Uses the computing resources of the school for commercial purposes, financial gain, or fraud;

4. Steals data or other intellectual property;

5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another person;

6. Gains or seeks unauthorized access to resources or entities;

7. Forges electronic mail messages or uses an account owned by others;

8. Invades privacy of others;

9. Posts anonymous messages;

10. Possesses any data which is a violation of this Policy; and/or

11. Engages in other activities that do not advance the educational purpose for which computer networks/computers are provided.

Internet Safety Protection

As a condition for receipt of certain Federal funding, the school shall be in compliance with the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and has installed technology protection measures for all computers in the school, including computers in media centers/libraries. The technology protection must block and/or filter material and visual depictions that are obscene as defined in Section 1460 of Title 18, United States Code; child pornography, as defined in Section 2256 of Title 18, United States Code; are harmful to minors including any pictures, images, graphic image file or other material or visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.



This Policy also establishes Internet safety policy and procedures in the school as required in the Neighborhood Children's Internet Protection Act. Policy 2361 addresses access by minors to inappropriate matter on the Internet and World Wide Web; the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; unauthorized access, including "hacking" and other unlawful activities by minors online; unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and measures designed to restrict minors' access to materials harmful to minors.

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

In accordance with the provisions of the Children's Internet Protection Act, the Executive Director or designee will develop and ensure education is provided to every student regarding appropriate online behavior, including students interacting with other individuals on social networking sites and/or chat rooms, and cyberbullying awareness and response.

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

The school will certify on an annual basis, that the school, including media centers/libraries, is in compliance with the Children's Internet Protection Act and the Neighborhood Children's Internet Protection Act and the school enforces the requirements of these Acts and this Policy.

Consent Requirement

No student shall be allowed to use the school's computer networks/computers and the Internet unless they have filed a consent form signed by the student and his/her parents.

Violations

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

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

N.J.S.A. 2A:38A-3
Federal Communications Commission: Children's Internet Protection Act
Federal Communications Commission: Neighborhood Children's Internet Protection Act

Adopted: 24 October 2019

2363 STUDENT USE OF PRIVATELY-OWNED TECHNOLOGY

The Board of Trustees recognizes technology is always changing and as a result of increased accessibility to technology many students possess technology devices for their use during non-school hours. These privately-owned devices may be beneficial to students during school hours for approved educational purposes. Therefore, the Board of Trustees will allow students to use their privately-owned technology devices under conditions outlined in this Policy.

For the purpose of this Policy, "technology" means hardware or software.

For the purpose of this Policy, "privately-owned" means technology hardware and software that is purchased, owned, and maintained by the student at no expense to the school.

For the purpose of this Policy, "hardware" means any device that can store, access, retrieve, and/or communicate data or information. "Hardware" may include, but is not limited to, any type of computer device; wireless telephone; electronic reader; personal digital assistant (PDAs); video broadcasting and/or recording device; or camera.

For the purpose of this Policy, "software" means any computer program(s) or related data that provide instruction for telling a computer or other hardware device what to do and how to do it.

The use of privately-owned technology by a student in the educational program during the school day must be approved by the student's parent and the school teaching staff member responsible for supervising and/or providing the student's instructional program. A teaching staff member may approve a student's use of privately-owned technology based on the assignment(s) to the student. The teaching staff member may also prohibit the use of privately-owned technology for an assignment(s).

Teaching staff members shall notify their immediate supervisor or Principal that students will be using privately-owned technology during instructional time.

Students who use privately-owned technology in school will not be given access to the school's computer server(s) or network(s). In the event the teaching staff member approves the use of privately-owned technology to access the Internet, the access must be through the privately-owned technology without the use of any school hardware or software. A teaching staff member who approves a student to use their privately-owned technology to access the Internet during instructional time will provide the student with a list of approved Internet sites the student is permitted to access. A student granted such permission must comply with school policies and regulations regarding acceptable use of computers and technology. Any use of privately-owned technology by a student shall be in strict accordance with the teaching staff member's specific approval(s) and Board policies and regulations. Any violation will subject the student to appropriate discipline and/or grading consequences.



The teaching staff member, in considering the use of privately-owned technology, will ensure such approval does not provide any advantage or benefit to the student who owns such technology over the student who does not own such technology. The teaching staff member will not approve the use of privately-owned technology if the teaching staff member determines the use would be advantageous or beneficial to the student who owns such technology over the student who does not own such technology.

The school assumes no responsibility for any privately-owned technology brought to school by a student. The student shall be responsible for the proper operation and use of any privately-owned technology brought to school. School staff members shall not be responsible for the effective use and/or technical support for any privately-owned technology.

The school shall assume no responsibility for the security of or damage to any privately-owned technology brought to school by a student. Students are encouraged to purchase private insurance for loss, damage, or theft of any privately-owned technology the student brings to school.

Adopted: 24 October 2019

2411 GUIDANCE COUNSELING

The Board of Trustees requires that a planned program of guidance and counseling be an integral part of the educational program of the school to assist students in making and implementing informed educational and occupational choices including academic, career and personal/social development.

A program of guidance and counseling, including developmental career guidance and exploration, shall be offered to all students in this school.

Each student is assigned to a counselor that may be a school counselor, psychologist, or social worker.

Adopted: 24 October 2019

2412 HOME INSTRUCTION DUE TO HEALTH CONDITION

The Board of Trustees will provide instruction in lieu of classroom instruction as identified and paid for by the students' sending district.

Adopted: 24 October 2019

2416 PROGRAMS FOR PREGNANT STUDENTS

No student, married or unmarried, who is otherwise eligible for enrollment in this school will be denied an educational program because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

The Board of Trustees reserves the right to require as a prerequisite for participation in the instructional program and in the co-curricular program that a pregnant student present to the school Principal her physician's written statement that such participation will not be injurious to her health or jeopardize her pregnancy.

The Executive Director shall develop a program of special instruction in health and nutrition and shall direct appropriate teaching staff members to counsel the pregnant student, to assist her in securing necessary medical services, to cooperate with community resources on her behalf, and to encourage her toward the completion of an appropriate educational program.

A pregnant student who does not wish to attend classes or is physically unable to do so during her pregnancy may be returned to the sending district.

The parent of a pregnant student under eighteen years of age shall be notified of any change in the student's regular educational program.

A student who has received an alternate instructional program for reasons associated with pregnancy shall be readmitted to the program.

Adopted: 24 October 2019

2418 SECTION 504 OF THE REHABILITATION ACT OF 1973 - STUDENTS

The Board will comply with Section 504 of the Rehabilitation Act of 1973, the purpose of which is to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

Guarantee of Rights

The Board will provide a free appropriate public education to each student with a disability regardless of the nature or severity of the disability.

The Board will make reasonable accommodations to ensure that no student with a disability, solely on the basis of the disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board, including participation in non-academic and extracurricular services and activities.

Enforcement

The Executive Director is designated by the Board as the School 504 Coordinator for matters dealing with Section 504 of the Rehabilitation Act of 1973 and can be contacted at the following address or telephone number:

Office Address: 1 Henderson Drive
West Caldwell, New Jersey 07006

Telephone: 973-244-7890

Notice

The Board will notify members of the community that the Board does not discriminate on the basis of a disability in violation of Section 504 of the Rehabilitation Act of 1973. Policy and Regulation 2418 may be reprinted in part or in full and distributed to serve as adequate notice.

State or Local Law

The obligation to comply with the Rehabilitation Act of 1973 is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of disability, imposes prohibitions or limits upon the eligibility of a student with a disability to receive services.

29 U.S.C. 794 (Section 504 Rehabilitation Act of 1973)
20 U.S.C. 1401 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)

Adopted: 24 October 2019

2430 CO-CURRICULAR ACTIVITIES

The Board of Trustees believes that the goals and objectives of this school are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the program of the school. The purpose of such co-curricular activities shall be to develop leadership capacities and good organizational skills, to aid in the socialization of students, and to enable students to explore a wider range of individual interests than might be available in the regular curricular program.

The Board shall make school facilities, supplies, and equipment available and assign staff members for the support of a program of co-curricular activities for students in grade five through age twenty-one. The Board may maintain the program of co-curricular activities at no cost to participating students.

For purposes of this policy, co-curricular activities are those activities conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board, such as preparation of the annual student yearbook, and do not include athletic competitions and practices. Co-curricular activities must be related to the curriculum but are not offered for credit toward promotion or graduation and are ordinarily conducted wholly or partly outside the regular school day.

No co-curricular activity shall be considered to be under the sponsorship of this Board unless it has been approved by the Executive Director.

Students shall be fully informed of the co-curricular activities available to them and of the eligibility standards established for participation in co-curricular activities. Co-curricular activities shall be available to all students who voluntarily elect to participate.

The Board will not permit the organization of a fraternity, sorority, or secret society.

The Executive Director shall prepare procedures to implement a co-curricular program and shall assess the needs and interests of the students of this school and provide for the continuing evaluation of the co-curricular program.

Adopted: 24 October 2019

2431P ATHLETIC COMPETITION – APSSD

The Board of Trustees recognizes the value of athletic competition as an integral part of the total school experience. Game activities and practice sessions provide opportunities to learn the values of competition and good sportsmanship.

For the purpose of this Policy, programs of athletic competition include all activities relating to competitive sports contests, games, events, or sports exhibitions involving individual students or teams of students when such events occur within this school or with any schools outside this school. The programs of athletic competition shall include, but are not limited to, high school interscholastic athletic programs, middle school interscholastic athletic programs where school teams or squads play teams or squads from other schools, intramural athletic programs within the school, and any cheerleading program or activity in the school.

Eligibility Standards

A student who wishes to participate in a program of athletic competition must submit, on a form provided by the school, the signed consent of his/her parent. The consent of the parent of a student who wishes to participate in a program of athletic competition will include an acknowledgment of the physical hazards that may be encountered in the activity.

Student participation in a program of athletic competition shall be governed by the following eligibility standards:

> A student in grade five through age twenty-one is eligible for participation in school sponsored programs of athletic competition if he/she is at least a Level 2 and on a privilege basis in the Behavioral Modification Plan at the Essex Valley School.

Notice of the school's eligibility requirements shall be available to students.

Guidelines for Participation in the Sports League

- All games played in the Essex Valley School sports league are scheduled during the regular school day.
- Practice for all team sports takes place during the school day.
- Any student experiencing academic and/or behavioral difficulties during a sports season may not be allowed to play until these difficulties are remediated.

Required Examinations – Interscholastic or Intramural Team or Squad

All students prior to participating in the sports league must receive a medical examination, in accordance with the provisions of N.J.S.A. 18A:40-41.7, prior to participation on a school-sponsored interscholastic or intramural team or squad and any cheerleading program or activity.

The examination shall be conducted within 365 days prior to the first day of official practice in an athletic season with examinations being conducted at the medical home of the student. The "medical home" is defined as a health care provider and that provider's practice site chosen by the student's parent for the provision of health care pursuant to N.J.A.C. 6A:16-1.3. If a student does not have a medical home, the school shall provide the examination at the school physician's office or other comparably equipped facility. The parent may choose either the school physician or their own private physician to provide this medical examination. The medical examination required prior to participation shall be in accordance with the requirements as outlined in N.J.A.C. 6A:16-2.2(h)1 and Regulation 2431.2P and shall be documented using the Preparticipation Physical Evaluation form required by the Department of Education.

The school shall distribute the Commissioner of Education developed sudden cardiac arrest pamphlet to a student participating in or desiring to participate in an athletic activity, as defined in N.J.S.A. 18A:40-41.e., and the student's parent(s) shall each year and prior to participation by the student in an athletic activity comply with the requirements of N.J.S.A. 18A:40-41.d.

The school shall annually distribute the Commissioner of Education developed educational fact sheet relative to use and misuse of opioid drugs for sports related injuries to parents of students who participate in an interscholastic sports program or cheerleading program and comply with the requirements of N.J.S.A. 18A:40-41.10.

Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq. The health findings of this medical examination shall be maintained as part of the student's health record.

Emergency Procedures

Athletic coaches shall be trained in first aid to include sports-related concussion and head injuries, the use of a defibrillator, the identification of student-athletes who are injured or disabled in the course of any athletic program or activity, and any other first aid procedures or other health related trainings required by law or the Executive Director.

The Executive Director shall prepare procedures for the emergency treatment of injuries and disabilities that occur in the course of any athletic program or activity. Emergency procedures shall be reviewed not less than once in each school year and shall be disseminated to appropriate staff members.

N.J.S.A. 2C:21-11
N.J.S.A. 18A:40-41; 18A:40-41.10
N.J.A.C. 6A:16-1.3; 6A:16-2.1 et seq.

Adopted: 24 October 2019

2431.4 PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES

A concussion is a traumatic brain injury caused by a direct or indirect blow to the head or body. In order to ensure the safety of students that participate in interscholastic athletics and cheerleading programs, it is imperative that student-athletes, cheerleaders, coaches, and parents are educated about the nature and treatment of sports-related concussions and other head injuries. Allowing a student-athlete or cheerleader to return to play before recovering from a concussion increases the chance of a more serious brain injury.

Every school that participates in interscholastic athletics or cheerleading programs is required to adopt a policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes and cheerleaders in accordance with the provisions of N.J.S.A. 18A:40-41.1 et seq. For the purpose of this Policy, "interscholastic athletics" shall be school-sponsored athletic programs where teams or individuals compete against teams or individuals from other schools. For the purpose of this Policy, "cheerleading program" shall be school-sponsored cheerleading programs.

The school will adopt an Interscholastic Athletic and Cheerleading Head Injury Training Program to be completed by the team or school physician, licensed athletic trainer(s) involved in the interscholastic athletic program, all staff members that coach an interscholastic sport or cheerleading program, designated school nurses, and other appropriate school personnel as designated by the Executive Director. This Training Program shall be in accordance with guidance provided by the New Jersey Department of Education and the requirements of N.J.S.A. 18A:40-41.2.

The Principal or designee shall distribute the New Jersey Department of Education Concussion and Head Injury Fact Sheet and Parent/Guardian Acknowledgement Form to every student-athlete who participates in interscholastic sports and every cheerleader who participates in a cheerleading program. The Principal or designee shall obtain a signed acknowledgement of the receipt of the Fact Sheet by the student-athlete or cheerleader's parent and keep on file for future reference.

Prevention of a sports-related concussion and head injuries is an important component of the school's program. The school may require pre-season baseline testing of all student-athletes and cheerleaders before the student begins participation in an interscholastic athletic or cheerleading program.

Any student-athlete or cheerleader who exhibits the signs or symptoms of a sports-related concussion or other head injury during practice or competition shall be immediately removed from play and may not return to play that day. Emergency medical assistance shall be contacted when symptoms get worse, loss of consciousness, direct neck pain associated with the injury, or any other sign the supervising school staff member determines emergency medical attention is needed. If available when the student-athlete or cheerleader is exhibiting signs or symptoms, the student will be evaluated by the school or team physician. The Principal or designee shall contact the student's parent and inform the parent of the suspected sports-related concussion or other head injury.

Possible signs of a concussion can be observed by any school staff member or the school or team physician. Any possible symptoms of a concussion can be reported by the student-athlete or cheerleader to: coaches; licensed athletic trainer; school or team physician; school nurse; and/or parent. The Principal or designee shall provide the student-athlete or cheerleader with Board of Trustees approved suggestions for management/medical checklist to provide to their parent and physician or other licensed healthcare professional trained in the evaluation and management of sports-related concussions and other head injuries.

A student-athlete or cheerleader who participates in interscholastic athletics or a cheerleading program and who sustains or is suspected of sustaining a concussion or other head injury shall be required to have a medical examination conducted by their physician or licensed health care provider. The student's physician or licensed health care provider shall be trained in the evaluation and management of concussion to determine the presence or absence of a sports-related concussion or head injury.

The student's physician or licensed health care provider must provide to the school a written medical release/clearance for the student indicating when the student is able to return to the activity. The medical release/clearance must indicate the student-athlete or cheerleader is asymptomatic at rest and either may return to the interscholastic athletic activity or cheerleading program because the injury was not a concussion or other head injury or may begin the school's graduated return to competition and practice protocol outlined in Regulation 2431.4. A medical release/clearance not in compliance with this Policy will not be accepted. The medical release/clearance must be reviewed and approved by the school or team physician.



The school shall provide a copy of this Policy and Regulation 2431.4 to all youth sports team organizations that operate on school grounds. In accordance with the provisions of N.J.S.A. 18A:40-41.5, the school 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 operates on school grounds, if the youth sports team organization provides the school 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 and a statement of compliance with the school's Policy and Regulation 2431.4 - Prevention and Treatment of Sports-Related Concussions and Head Injuries.

For the purposes 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.

This Policy and Regulation shall be reviewed and approved by the school physician and shall be reviewed annually, and updated as necessary, to ensure it reflects the most current information available on the prevention, risk, and treatment of sports-related concussion and other head injuries.

N.J.S.A. 18A:40-41.1; 18A:40-41.2; 18A:40-41.3; 18A:40-41.4; 18A:40-41.5

Adopted: 24 October 2019

2440 SUMMER SESSION

The Board of Trustees may conduct an Extended School Year summer session. The Extended School Year summer session shall be approved by the Board of Trustees and the Executive County Superintendent of Schools.

Adopted: 24 October 2019

2461 SPECIAL EDUCATION/RECEIVING SCHOOLS

To demonstrate compliance with N.J.A.C. 6A:14-1.1 et seq. and Part B of the Individuals with Disabilities Education Act, the Board adopts this Policy and corresponding Regulations/Procedures. This Policy and corresponding Regulations/Procedures will be submitted with a Special Education Assurance Statement for Receiving Schools to the County Office of Education no later than July 30, 2017 for approval.

1. All students with disabilities who are placed in a receiving school by a district Board of Education must have an Individualized Education Program (IEP) in effect prior to the delivery of services.

2. The receiving school will collaborate with the district Board of Education to ensure that a free, appropriate public education is available for all students with disabilities between the ages of three and twenty-one enrolled in the receiving school including students with disabilities who are suspended from school.

3. The compilation, maintenance, access to, and confidentiality of, student records will be in accordance with N.J.A.C. 6A:32-7.

4. Students with disabilities who are placed in receiving schools by a district Board of Education will be provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

5. The programs and services provided by the receiving school will be in accordance with the requirements of N.J.A.C. 6A:14-1.1 et seq.

6. All personnel serving students with disabilities will be appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

7. The receiving school will only terminate the placement of a student with disabilities according to the procedures in N.J.A.C. 6A:14-7.7(a) and (b).

8. The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services will be identified and appropriate in-service training will be provided. The receiving school shall maintain information to demonstrate its efforts to:

a. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;

b. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;

c. Acquire and disseminate to teachers, administrators, and related services personnel, significant knowledge derived from educational research and other sources and how the receiving school will, if appropriate, adopt promising practices, materials and technology;

d. Ensure that the in-service training is integrated to the maximum extent possible with other professional development activities; and

e. Provide for joint training activities of parents and special education, related services, and general education personnel.

9. The receiving school will work with all sending school districts and ensure that students with disabilities are included in Statewide and district-wide assessment programs with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in Statewide assessments or the applicable alternate assessment, in grades three, four, five, six, seven, eight, and high school in the applicable grade levels and courses.

10. Full educational opportunity to all students with disabilities is provided.

11. The receiving school will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

12. The receiving school will ensure that the length of the school day and academic year shall be as long as that established for nondisabled students in accordance with N.J.A.C. 6A:14-4.1(c) and must include at least four hours of actual school work instruction in accordance with N.J.A.C. 6A:14-7.6(i).

13. The receiving school will ensure that educational programs are open to observation at all times to the representatives of the sending districts and of the Department of Education in accordance with N.J.A.C. 6A:14-7.6(g).

14. The receiving school shall follow all requirements set forth in N.J.A.C. 6A:14-7.3 for amending the policies, procedures, the services provided, or the location of facilities.

15. The receiving school shall follow the requirements set forth in N.J.A.C. 6A:14-7.6(h) to operate an extended academic year program.

16. The receiving school shall employ a full-time non-teaching Principal who shall be responsible for administration and supervision of the school as required by N.J.A.C. 6A:14-7.6(d).

17. The receiving school shall follow the requirements set forth in N.J.A.C. 6A:14-7.4 for submission of fiscal information and obtaining valid certificates of fire inspection and if applicable, health, HVAC inspections, and, if applicable, sewerage plant.

18. The receiving school shall follow the requirements set forth in N.J.A.C. 6A:14-7.6(j) to notify the Department of Education a minimum of ninety days prior to ceasing operation or if there is a change in ownership.

19. The receiving school shall follow the requirements set forth in N.J.A.C. 6A:23A-18.22 regarding behavior modification programs and shall adopt a Policy that defines the procedures, evidence-based strategies, techniques, and approaches used in the behavior modification program.

Adopted: 24 October 2019



2461.13 VISITATIONS/OBSERVATIONS

Policy Statement:

There will be no restrictions to observations, by representatives from sending districts and State agencies, of any Essex Valley School education and therapy programs. In order to present the least amount of disruption to programs, observations shall be scheduled through the school office at least forty-eight hours in advance and the requestor shall provide contact information for the observers to minimize occasions when a student scheduled for observation might not be in attendance.

If contact information is provided, the representative will be informed if:

1. The school has an emergency early dismissal that affects their visit;
2. The school has an emergency delayed opening, which affects their visit;
3. The school has an emergency closing; and/or
4. The student to be observed is absent.

Because of safety and fire regulations the Essex Valley School shall limit the number of observers for a given classroom to no more than two in a given day. Unannounced visits by observers exceeding the preferred number of observers per classroom, may need to be rescheduled.

N.J.A.C. 6A:14-7.6(g)

Adopted: 24 October 2019

2462P BEHAVIOR MODIFICATION PROGRAM - APSSD

An approved private school for students with disabilities (APSSD) may implement a behavior modification program within a school. An APSSD recording expenditures for behavior modification shall adopt this Policy that defines the procedures, evidence-based strategies, techniques, and approaches used in the APSSD's behavior modification program.

The Behavior Modification Program provides opportunities for students to exhibit positive behaviors (e.g. arriving for class promptly, participating in class, completing assignments). Positive behaviors result in earning "points" that are transferred to tangible rewards, privileges, and status within the Essex Valley School community.

The Behavior Modification Program features:

- "Point Cards" for immediate feedback

  Every student is required to carry a "Point Card" to each of his/her classes. The "Point Card" reflects the behavioral and academic points earned in each class and activity throughout the school day. Students may earn up to a maximum of one hundred forty points each day. Each student's "Point Card" is totaled by the student's homeroom teacher and evaluated weekly by staff members. These points earn the student rewards and privileges in the Essex Valley School community. Each student will start the school year on Level II.

- Privileges

  Privileges may include reward day, participation in recreational activities (e.g. staff/student games, league games), and access to reward store (Level I and above), achievement points for level moves.

- Students may earn: field trips such as go-carts; a structured reward period; and/or a student yearbook.

- Increased status in the school community by earning points (i.e. moving from Level 0 to Level VI).

Maximum Points to be Earned Daily

Classes/Elective: 20 points each class

Total of 160 points per day.

Level Explanation - Behavior Modification Program

Loss of Privilege: (green card) This is given to a student who is not following Essex Valley School rules or policies and receives a loss of privilege notice. It can also be given to a student who does not earn his/her points for 2 consecutive weeks on Level 1. Any day a student does not achieve the 1-day minimum of points for the current level they are on, the points DO NOT get added to total points.

Level 1: (pink card) The lowest privilege card. If a student drops to Level 1 they will need 1 week of achieving Level 1 (75%) of weekly points to automatically move back to Level 2 (no bonus points will be awarded). Although Level 1 is a privilege card it does not allow certain privileges that start at Level 2. If a student does not meet required Level 1 points for 2 consecutive weeks they will be placed on Loss of privilege card.

Level II: (blue card) All students will start on Level II. This will allow students a chance to experience some of the benefits of Level II. Student needs to achieve 80% of weekly points. Need 4 weeks of privilege to be eligible to move to Level III.

Level III: (yellow card) Student receives rewards as noted. Student needs to achieve 85% of weekly points. Need 4 weeks of privilege to be eligible to move to Level IV.

Level IV: (gold card) Student receives rewards as noted. Student needs to achieve 90% of weekly points. Need 4 weeks of privilege to be eligible to move to Level V.

Level V: (white card) Student receives rewards as noted. Student needs to achieve 95% of weekly points. Needs 4 weeks of privilege to be eligible to move to Level VI.

Level VI: (Orange) Student receives rewards. Student needs perfect card for the week.

In addition:

- Bonus points are awarded for movement to Level III, IV, V, and VI. This is a one-time bonus.
- There is an added reward for Level V and VI to order lunch from an outside vendor. Student(s) will be responsible to pay with their own money.
- 100 bonus points for any student receiving privilege for week. (Levels 2 - 5)

- 250 bonus points for any student receiving honor card. They cannot lose more than 20 points for the week. (Levels 2 - 5)
- 500 bonus points for a perfect card for the week. (Levels 2 - 6)
- Any student suspended (in/out) of school or has an unexcused absence will receive 0 points for that day.

If a student does not earn the required points for a level for two consecutive weeks, he/she moves down a level. Once a level has been attained, a student only needs two consecutive weeks of earning the appropriate points for upward level movement as opposed to needing multiple weeks to achieve each level the first time.

A behavior modification program, provided pursuant to N.J.A.C. 6A:23A-18.22, shall not include cash or checks; the replacement of meals or components of meals on a regular basis outside of special achievements described in this Policy; or high-dollar value items such as personal electronics.

N.J.A.C. 6A:23A-18.22

Adopted: 24 October 2019

2466 NEEDLESS PUBLIC LABELING OF STUDENTS WITH DISABILITIES

The Board of Trustees guarantees the privacy provided by law that no student with a disability be labeled publicly. Therefore, any reference to a student with a disability brought to the attention of the Board and/or any other potential public reference to a student with a disability will be through the use of a school-developed method of coding that would ensure a student's name or other labeling would not identify the student as a student with a disability. Examples where public labeling of students with disabilities shall be avoided include, but are not limited to, Board meeting agenda information, public address announcements, building/classroom signs, public school documents, and/or any other school publication identifying a student with a disability or class/program of students with disabilities.

Special education classes shall be referred to publicly by the name of the teacher. This applies to schedules, class lists, transportation lists, public address announcements, and any other form of communication that has any potential for any exposure other than for the use by appropriately authorized school staff.

Exceptions to the prohibition of public labeling of students with disabilities may be made upon consent of the student's parent.

All student records shall be maintained strictly in accordance with N.J.A.C. 6A:32-7.1 et seq.

Adopted: 24 October 2019

2481 HOME OR OUT-OF-SCHOOL INSTRUCTION FOR A GENERAL EDUCATION STUDENT FOR REASONS OTHER THAN A TEMPORARY OR CHRONIC HEALTH CONDITION

The Board of Trustees will provide instruction in lieu of classroom instruction as identified and paid for by the student's sending district.

N.J.A.C. 6A:16-10.2

Adopted: 24 October 2019

2510 ADOPTION OF TEXTBOOKS

The Executive Director shall approve all textbooks used in the program of this school. "Textbook" means the principal source of instructional material for any given course of study, in whatever form the material may be presented, which is available or distributed to every student enrolled in the course of study.

The Executive Director shall develop regulations for the selection of textbooks that include effective consultation with professional staff members at all appropriate levels.

A list of all approved textbooks shall be maintained and revised annually by the Executive Director and made available for the use of the professional staff and for the information of members of the Board, parents, and sending school district officials.

Adopted: 24 October 2019

2520 INSTRUCTIONAL SUPPLIES

The Board of Trustees shall supply each teaching staff member with the supplies, materials, and equipment necessary for the implementation of the approved program and each student with the supplies and materials required for the successful completion of each course or program.

The Board expressly exempts from this policy such clothing or personal equipment as may be required by the Board for reasons related to the safety and health of students or the protection of school property and are individualized or non-reusable, and any materials used in the manufacture or preparation of useful or decorative items that students are permitted to retain, except that no student will be denied participation in any course of study or school sponsored activity because of his or her financial inability to bear the cost of such clothing, equipment, or materials.

The Executive Director shall develop regulations for the selection and utilization of instructional supplies that include effective consultation with teaching staff members at all appropriate levels.

Adopted: 24 October 2019

2530 RESOURCE MATERIALS

The Board of Trustees shall provide resource materials to implement school educational goals and objectives as student needs dictate and school resources permit. Such materials include reference books, other supplementary titles, maps, library print and non-print materials, and other sources of information for use by students that are not designated as textbooks.

The Executive Director shall be responsible for the selection and maintenance of all resource materials, in accordance with the following standards:

1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served;

2. Wherever possible, materials will provide major opposing views on controversial issues so that students may develop under guidance the practice of critical reading and thinking;

3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;

4. Materials will be factually accurate and of genuine literary or artistic value;

5. Materials will be of a quality and durability appropriate to their intended uses and longevity;

6. Materials will relate to, support, and enrich the courses of study adopted by the Board.

The Executive Director will develop regulations for the selection of resource materials that provide for the effective consultation of teaching staff members at all appropriate levels; ensure that the Board's budgetary allotment for resource materials is efficiently spent and wisely distributed throughout the instructional program and the school; and ensure an inventory of resource materials that is well balanced and well rounded in coverage of subject, types of materials, and variety of content.

The Executive Director will evaluate the continuing effectiveness and utility of resource materials.

Adopted: 24 October 2019

2531 USE OF COPYRIGHTED MATERIALS

The Board of Trustees encourages teaching staff members to make judicious use of appropriate printed materials, sound recording, televised programs, and computer software in the curriculum but recognizes that Federal law, applicable to schools, protects the originators of those materials from the unauthorized use of their copyrighted works. The Board expressly forbids the use of school equipment for the illegal reproduction of copyrighted materials.

In order to define the fair and reasonable use that teaching staff members may make of copyrighted works for educational purposes without the permission of the copyright owner and to reduce the risk of copyright infringement, the Board directs the Executive Director to promulgate regulations regarding the copying and distribution of copyrighted materials for instructional purposes.

Computer software may be reproduced only for archival purposes or when copying is an essential step in the utilization of the program. Computer software should be purchased in sufficient quantity to permit its classroom use without simultaneous loading. Where appropriate, the Executive Director shall seek a licensing agreement with the software publisher that permits the reproduction of software, the simultaneous use of software, and the purchase of multiple copies of software at discount prices.

Students and staff members shall be instructed that copyright infringement is a form of theft. A student or staff member who reproduces or uses copyrighted material in violation of this policy will be subject to discipline.

17 U.S.C. 101 et seq.

Adopted: 24 October 2019

2551 MUSICAL INSTRUMENTS

The Board of Trustees may purchase and maintain a supply of musical instruments for students enrolled in the instrumental music program.

School-owned instruments will be available to students, in the order in which requests are made, until the supply is exhausted. If necessary, instruments will be redistributed among schools to satisfy the demand.

Instruments will be loaned only to those students whose parent has agreed in writing to assure the safe return of the instrument and to bear the cost of necessary repairs due to the student's use.

No fee will be charged for the loan of school-owned musical instruments.

Adopted: 24 October 2019

2610P EDUCATIONAL PROGRAM EVALUATION - APSSD

The Executive Director shall develop and implement a systematic plan for the continuous evaluation of the educational program against the educational goals established by this Board. The Executive Director shall employ such tests and methods to analyze and monitor student achievement and progress, as well as evaluate school programs. Wherever possible, the assessment program shall follow evaluation procedures set forth in the course guides.

The Executive Director shall maintain a calendar of assessment activities and shall make periodic evaluation reports to the Board that evaluate the progress of students and the effectiveness of staff members.

The Executive Director shall annually recommend improvements in the school's educational program. The Board reserves the right to employ experts from outside the school to serve in the evaluation process.

Adopted: 24 October 2019

2622 STUDENT ASSESSMENT

Students With Disabilities

Students with disabilities shall participate in all State assessment systems in accordance with provisions as outlined in N.J.A.C. 6A:14-4.10. Accommodations and modifications approved by the New Jersey Department of Education for the administration of the Statewide assessment shall be provided when determined necessary by the Individualized Education Plan (IEP) team to students with disabilities who participate in general Statewide assessments.

Adopted: 24 October 2019

2624 GRADING SYSTEM

The school recognizes that a system of measuring, recording, and reporting the achievements of individual students is important to the continuing process of learning. The Executive Director, therefore, directs the instructional program of this school include a system of grading that measures progress toward the New Jersey Core Curriculum Content Standards and the educational goals of the school. This grading system shall be consistent with the child's IEP.

The Principal shall develop and continually review in consultation with teaching staff members, parents, and students, a grading program appropriate to the course of study and maturity of students. Reporting of student progress will be provided to parents in periodical progress reports and one annual performance review.

Reporting Procedures

Report cards are prepared every marking period (approximately every ten weeks). In addition, five weeks before a report card is issued, a progress report is provided. These reports are sent to each student's parent/legal guardian, as well as to the student's Child Study Team case manager.

Report cards and progress reports include information about the following:

1. Grades for coursework in each content area;
2. Class participation;
3. Completion of all assignments;
4. Overall individual effort;
5. Attendance and lateness record;
6. Comments from teachers and counselors;
7. Behavioral record including behavior modification status.

Final grades for the school year are derived by averaging the grades from four marking periods, the midterm exam, and the final exam. For students who enter Essex Valley School anytime in mid-year, the Child Study Team will determine the final grades and the amount of credit to be awarded for the school year.

Homework will be assigned Monday through Thursday at the discretion of each individual teacher. Students are responsible for completing homework assignments within the prescribed time period.

Grades earned at the Essex Valley School are accepted by the local school district and are placed on the official school transcript.

Meaning of Grades

The following grading scales and indicators shall be used:

A	=	100 – 90	Excellent
B	=	89 – 80	Above Average
C	=	79 – 70	Average
D	=	69 – 60	Below Average
F	=	59/Below	Failing
I	Incomplete		
U	Unable to evaluate due to absenteeism		
N/A	Not Applicable		
M	Medical		
P	Pass		

Adopted: 24 October 2019

3000 TEACHING STAFF MEMBERS

Number	Title
3111	Creating Positions
3112	Abolishing Positions
3124	Employment Contract
3125	Employment of Teaching Staff Members (M)
3125.2	Employment of Substitute Teachers
3126	School Mentoring Program
3134	Assignment of Additional Duties
3141	Resignation
3143	Dismissal
3146	Conduct of Reduction in Force
3150	Discipline
3159	Teaching Staff Member/School Reporting Responsibilities
3160	Physical Examination (M)
3161	Examination for Cause
3211	Code of Ethics
3211.3	Consulting Outside the School
3212	Attendance
3214	Conflict of Interest
3216	Dress and Grooming
3217	Use of Corporal Punishment
3218	Substance Abuse (M)
3221	Evaluation of Certified Staff Members, Including Teachers, Therapists, Child Study Team Members, Social Workers, School Nurses, Physical Therapy Assistants, and Certified Occupational Therapy Assistants
3223	Evaluation of Administrators
3230	Outside Activities
3232	Tutoring Services
3233	Political Activities
3240	Professional Development for Teachers and School Leaders (M)
3245	Research Projects by Staff Members
3270	Professional Responsibilities
3280	Liability for Student Welfare
3281	Inappropriate Staff Conduct
3282	Use of Social Networking Sites
3283	Electronic Communications Between Teaching Staff Members and Students (M)

Number	Title
3321	Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members
3322	Staff Member's Use of Personal Cellular Telephones/Other Communication Devices
3324	Right of Privacy
3340	Grievance
3351	Healthy Workplace Environment
3362	Sexual Harassment (M)
3381	Protection Against Retaliation
3410	Compensation
3420	Benefits
3425	Work Related Disability Pay
3425.1	Modified Duty Early Return To Work Program – Teaching Staff Members
3431.1	Family Leave (M)
3431.3	New Jersey's Family Leave Insurance Program
3432	Sick Leave
3433	Vacations
3435	Anticipated Disability
3436	Personal Leave
3437P	Military Leave – APSSD
3439	Jury Duty

3111 CREATING POSITIONS

The Board of Trustees recognizes its authority to create and fill teaching staff member positions to implement a thorough and efficient system of education.

The Board shall create new positions as they are required, approve job titles, and specify the number of positions required to staff adequately each employment category. Job descriptions shall be prepared in accordance with Policy 1400. The Board shall, on a careful review of the position, establish the background experiences and personal qualities, if any, to be required of candidates or preferred among applicants for a particular position. Any such local qualifications shall be flexibly applied.

The Executive Director shall recommend to the Board such new positions or additions to existing employment categories as may be required by the specific instructional needs of students of the school.

Positions shall, to the maximum extent possible, conform to certification regulations of the State Board of Education.

Adopted: 24 October 2019

3112 ABOLISHING POSITIONS

The Board of Trustees will provide the professional staff necessary for the economical and efficient implementation of the educational program of the school. The Executive Director reserves the right to abolish positions and reduce school staff commensurately whenever reasons of economy, reorganization of the school, reduction in the number of students, or other good cause so warrant. The Executive Director shall continually review the efficiency and effectiveness of the school organization and recommend to the Board the abolishment of positions and the reallocation of duties and positions.

Adopted: 24 October 2019

3124 EMPLOYMENT CONTRACT

The Board of Trustees requires that every teaching staff member employed by this school annually sign an employment contract for a term of not more than one year.

The employment contract shall include the specific title of the position to which the teaching staff member is appointed; the term for which employment is contracted, including beginning and ending dates; a full description of the certification held by the teaching staff member and the date, if any, on which certification will expire; the salary at which the teaching staff member will be employed; the intervals at which the salary will be paid; and a provision for the termination of the contract with thirty days notice with cause and immediately without cause.

Adopted: 24 October 2019

3125 EMPLOYMENT OF TEACHING STAFF MEMBERS

The Executive Director believes it is vital to the successful operation of the school that teaching staff member positions be filled with highly qualified and competent professionals.

The Executive Director shall appoint, transfer, remove, or renew a certificated or non-certificated officer or employee. The Board shall approve the employment, fix the compensation, and establish the term of employment for every teaching staff member employed by this school.

No teaching staff member shall be employed unless he/she is a holder of a valid certificate in accordance with the New Jersey Department of Education and applicable statutes and administrative codes. The Executive Director shall require proof of any candidate's certification or pending application for certification.

The Board will employ substitutes for absent teachers in order to ensure continuity in the instructional program and will annually approve a list of substitutes and rate of pay. The Executive Director or designee shall select substitutes from the list approved by the Board to serve in the place of an absent teaching staff member.

The school shall not employ for pay or contract for the paid services of any teaching staff member or any other person serving in a position which involves regular contact with students unless the Board has first determined, consistent with the requirements and standards of N.J.S.A. 18A:6-7.1 et seq., that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

An individual employed by the Board in any substitute capacity or position shall be required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1b.

An individual, except as provided in N.J.S.A. 18A:6-7.1g, shall be permanently disqualified from employment or service in the school if the criminal history record check reveals a record of conviction for any crime or offense as defined in N.J.S.A. 18A:6-7.1 et seq.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history record check if the Board or contracted service provider demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.lc. In the event the criminal history record check is not completed for an emergent hired employee within three months, the Board or contracted service provider may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.

No criminal history record check shall be performed unless the applicant shall have furnished written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check. The school will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history record check.

A teaching staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

Adopted: 24 October 2019

3125.2 EMPLOYMENT OF SUBSTITUTE TEACHERS

The Board of Trustees will employ substitutes in order to ensure continuity in the instructional program and will approve a list of substitutes on an annual basis and additional approved substitutes will be added to the approved list throughout the school year. Substitute teachers will be employed from the substitute list recommended by the Executive Director and approved by the Board. The Board shall also approve the substitute rate of pay.

All substitute teachers must possess a substitute credential issued by the New Jersey State Board of Examiners in accordance with the provisions of N.J.A.C. 6A:9B-7.1 et seq. All substitute teachers are required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1 et seq. and New Jersey Department of Education regulations and procedures for criminal history record checks. In accordance with the provisions of N.J.S.A. 18A:6-7.1b., a substitute teacher who is rehired annually by the Board shall only be required to undergo a criminal history record check as required by N.J.S.A. 18A:6-7.1 et seq. upon initial employment, provided the substitute continues in the employ of at least one of the schools at which the substitute was employed within one year of the approval of the criminal history record check.

Adopted: 24 October 2019

3126 SCHOOL MENTORING PROGRAM

The Board of Trustees shall develop a school mentoring program to provide nontenured teachers, including novice professional teachers who hold a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) with an induction to the teaching profession and to the school community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.

The goals of the school mentoring program shall be to enhance teacher knowledge of, and strategies related to, the New Jersey Student Learning Standards to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching. The Board of Trustees shall determine how each nontenured teacher in his or her first year of employment shall be provided with supports as outlined in N.J.A.C. 6A:9C-5.1(c). The Board shall provide an individual mentor to work one-on-one with a novice provisional teacher in accordance with N.J.A.C. 6A:9C-5.1(d). The Executive Director shall oversee the mentor selection process and ensure the individual mentor meets the minimum requirements required in N.J.A.C. 6A:9C-5.2(a).

In accordance with the provisions of N.J.A.C. 6A:9C-5.4, an approved agency and its designated staff shall be authorized to provide the services, evaluations, and recommendations specified within N.J.A.C. 6A:9B-8.6, 8.7, and 8.9 for provisional Teachers of Supplemental Instruction in Reading and Mathematics, Grades K-8 in their employ.

The school's local mentoring plan shall be in accordance with the requirements as outlined in N.J.A.C. 6A:9C-5.1 et seq.

The Executive Director or designee shall develop the school mentoring plan in accordance with the requirements outlined in N.J.A.C. 6A:9C-5.3 as part of the school's professional development plan (PDP) pursuant to N.J.A.C. 6A:9C-4.4. The school mentoring plan shall include logistics for its implementation and describe the school's responsibilities pursuant to N.J.A.C. 6A:9C-5.1 et seq.

The Board of Trustees shall budget State funds appropriated for the novice teacher mentoring program in accordance with the provisions of N.J.A.C. 6A:9C-5.1(f). The Board shall ensure that State funds appropriated for this program shall supplement, and not supplant, any Federal, State or local funds already devoted to planning and implementing a novice teacher mentor program. The Board of Trustees shall ensure that State funds shall be used for one or more of the following: stipends for mentor teachers; the costs associated with release time; substitutes for mentor teachers and novice teachers; and professional development and training activities related to the program.



Evaluations for a provisional teacher shall be completed in accordance with the requirements of N.J.A.C. 6A:9B-8.6.

N.J.S.A. 18A:26-2; 18A:26-2a
N.J.A.C. 6A:9B-8.4; 6A:9B-8.5; 6A:9B-8.6; 6A:9C-5.1

Adopted: 24 October 2019

3134 ASSIGNMENT OF ADDITIONAL DUTIES

The professional responsibilities of teaching staff members include such extra duties as may be assigned by the Board of Trustees. The Executive Director may appoint teaching staff members to extra duty positions.

Any teaching staff member appointed to an extra duty position is expected to serve unless excused for extenuating circumstances. A member's refusal to serve or resignation from extra duty service without permission may constitute an act of insubordination subject to discipline.

Performance in an extra duty position will be considered in a teacher staff member's evaluation, in determining whether to renew a staff member.

The Executive Director will inform the Board of extra duty positions required for the implementation of the school's program, post notice of vacancies in those positions, and recommend appointments to those positions.

Adopted: 24 October 2019

3141 RESIGNATION

The Board of Trustees will enter a contract with each teaching staff member providing, in part, for the termination of employment by either party on proper notice in accordance with Policy 3124.

An employee's resignation must be tendered to the Board through the Executive Director who may accept the resignation with thirty days written notice on behalf of the Board. Any such acceptance of a resignation will be ratified by the Board at its next meeting.

A member who offers insufficient notice of resignation will be paid only through the last day of service.

Adopted: 24 October 2019

3143 DISMISSAL

The Board of Trustees will enter a contract with each teaching staff member providing, in part, for the termination of employment by either party on proper notice in accordance with Board Policy 3124 or in the terms of an individual contract.

The Board may dismiss a teaching staff member when dismissal is in the best interest of the school. Termination notice will be duly given in writing and will state the reason therefore.

The Board will determine whether to permit an employee to continue to perform services during the period between the giving of notice and the date of termination.

Adopted: 24 October 2019

3146 CONDUCT OF REDUCTION IN FORCE

When teaching staff member positions have been abolished, in accordance with Board Policy 3112, the Executive Director will transfer and/or dismiss affected teaching staff members.

Adopted: 24 October 2019

3150 DISCIPLINE

Essex Valley School has established standards of conduct, safety rules, and other policies to ensure the best and safest possible working conditions. These rules are designed and intended to protect all in the school.

Rules sometimes are broken. In most cases, the school believes that by applying progressive discipline, an employee's undesirable behavior can be corrected. Generally, the first step in the progressive discipline process will be counseling by an employee's supervisor. This step may be followed by a written warning, suspension with or without pay, and finally termination. In some instances the employee's conduct may show a complete lack of respect for rules requiring the school, at its option, to advance the level of discipline to the step it deems appropriate, up to and including immediate termination. Finally, in certain situations where, in the opinion of the school, an employee's misconduct is very serious, immediate termination may result. The school reserves the right to skip, advance, or repeat any level of discipline it deems appropriate. Further, the school reserves the right to terminate employees at any time without cause or notice and without prior discipline.

Adopted: 24 October 2019

3159 TEACHING STAFF MEMBER/SCHOOL REPORTING RESPONSIBILITIES

All certificate holders shall report their arrest or indictment for any crime or offense to the Executive Director within fourteen calendar days of the arrest or indictment. For purposes of this policy, "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 State Board of Examiners. For purposes of this Policy, the term "certificate" shall include all standard, emergency and provisional certificates, all credentials, and all CEs and CEASs issued by the State Board of Examiners.

The report submitted to the Executive Director shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holders shall also report to the Executive Director 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. The school shall make these reporting requirements known to all new employees upon initial employment and to all employees on an annual basis.

The Executive Director 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;

3. A certificate holder fails to maintain any license, certificate, or authorization that is mandated for the holder to serve in a position;

4. The Executive Director becomes aware that a certificate holder has been convicted of a crime or criminal offense while in the school's employ; or

5. The Executive Director 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.

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



The Executive Director shall also notify the New Jersey State Board of Examiners, 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 Executive Director will comply with the additional notice requirements to the New Jersey State Board of Examiners in the event it is subsequently determined by 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 Executive Director notifies the New Jersey State Board of Examiners of an employee's dismissal for reasons of misconduct, the employee shall receive a simultaneous copy of the notifying correspondence.

Adopted: 24 October 2019



3160 PHYSICAL EXAMINATION

The Board of Trustees requires each candidate for employment who receives a conditional offer of employment to undergo a physical examination(s) to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA).

If upon completing an examination(s) it is determined a candidate for employment who received a conditional offer of employment is unable to perform with reasonable accommodation job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Executive Director, if the Board has not yet approved the appointment, or by the Board, if the Board had approved the appointment at a Board meeting.

The physical examination shall include, but is not limited to, a health history to include past serious illnesses and injuries; current health problems; allergies; and a record of immunizations. The physical examination shall also include a health screening to include, but not limited to: height and weight; blood pressure; pulse and respiratory rate; vision screening; and hearing screening.

Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of physical examinations required by this Policy performed by a physician or institution designated by the Board. However, the candidate shall bear the cost if the examination is performed by a physician or institution designated by the candidate with approval of the Board. In the event the Board approves the physician or institution designated by the candidate to complete an examination required by this Policy, the candidate will be provided with the detailed requirements of the examination.

School employee physicals, examinations, and/or annual medical updates do not require screening or disclosure of HIV status.

A Mantoux tuberculosis test shall be given to all student teachers, school bus drivers on contract with the school, and contractors or volunteers who have contact with students.

All staff members' medical and health records, including computerized records, will be secured, stored, and maintained separately from other personnel files. The information contained in medical records will be kept confidential. Only the staff member, the Executive Director, and the school medical inspector shall have access to medical information regarding an individual employee. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5. The staff member may provide health-status information, including medications that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the staff member may also choose to share with the staff member's Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

Additional individual psychiatric or physical examinations of any staff member may be required by the Board whenever, in the judgment of the Board, a staff member shows evidence of deviation from normal physical or mental health. Any additional individual examinations will be pursuant to the requirements of N.J.A.C. 6A:32-6.3. Additional examinations and/or certifications may be required to verify fitness in accordance with Policy 3161 or disability in accordance with Policies 3425 and 3435.

42 U.S.C.A. 12101
N.J.S.A. 18A:16-2
N.J.A.C. 6A:32-6.1; 6A:32-6.2; 6A:32-6.3

Adopted: 24 October 2019

3161 EXAMINATION FOR CAUSE

The Board of Trustees may, in accordance with law, require the psychiatric or physical examination of any teaching staff member who shows evidence of deviation from normal physical or mental health.

The Executive Director shall recommend to the Board the examination of any teaching staff member whose physical or mental conditions so departs from normal health as to adversely affect the performance of the member's duties. Any such recommendation must be accompanied by competent evidence. If the Board determines that deviation from normal health has been demonstrated, it may require that the member submit to a physical or mental examination.

A requirement for physical or mental examination shall be made known to the employee by written notice setting forth the nature of the examination required, the reasons for the requirement, and a statement offering the member the opportunity to appear before the Board to explain or refute those reasons, provided any such hearing is requested in writing within five working days of the receipt of the notice.

A teaching staff member who fails to request an appearance before the Board within the time permitted or, having appeared before the Board, fails to persuade the Board that he/she should not be required to submit to the required examination shall be ordered to submit to an appropriate examination by a physician or institution designated by the Board and at the Board's expense.

The teaching staff member may, at his/her option, submit names of physicians or institutions to the Board for consideration to complete the appropriate examination(s). The Board is not required to designate a physician or institution submitted for consideration by the teaching staff member, but the Board will not act unreasonably in withholding its approval of a physician or institution submitted by a teaching staff member. The cost of the examination will be borne by the Board if the Board designates a physician or institution from the names submitted from the teaching staff member.

If the teaching staff member's request is denied, or if the teaching staff member does not request the Board to consider a physician or institution, the staff member may elect to submit to an appropriate examination conducted by a physician or institution of the teaching staff member's own choosing and at his/her expense, provided the physician or institution so chosen is approved by the Board, and is authorized and directed by the member to report the results of the examination to the Board.

If the results of the examination show mental abnormality or communicable disease, the teaching staff member shall be placed on sick leave and compensated in accordance with his/her sick leave entitlement, if any, until proof of recovery, satisfactory to the Board, is furnished.

A teaching staff member who refuses to submit to the examination may be terminated.

Adopted: 24 October 2019

3211 CODE OF ETHICS

In all segments of society, it is necessary to have certain rules and regulations. Work standards are necessary to make sure everyone has a common understanding of what is expected. This allows the school to consistently enforce a set of standards that creates a positive work environment. The work standard rules are not meant to restrict anyone's rights. Rather, they are designed to protect the rights and safety of all. Since the school cannot create a list that addresses all situations, the standards that follow are basically common sense rules. No conduct which is immoral, unsafe, unethical, or illegal will be tolerated.

All employees are expected to follow these rules. Violations will subject employees to discipline, up to and including termination.

The following are examples of some prohibited conduct:

1. Theft or attempted theft of any property belonging to the school or a fellow employee;

2. Fighting;

3. Falsification of school records, including time sheets, employment applications and benefit applications;

4. Failure to fully and truthfully disclose all facts related to workers' compensation and insurance claims;

5. Insubordination;

6. Immoral, indecent, or unlawful conduct;

7. Deliberate destruction of, or damage to, school property;

8. Careless waste of materials or mishandling of supplies or equipment;

9. Failure or refusal to comply with the school alcohol and drug policy;

10. Carrying or possessing a weapon of any kind on school property;

11. Gambling or soliciting gambling on school property;

12. Smoking in prohibited areas;
13. Defacing walls, bulletin boards, or other school property;
14. Horseplay or other disorderly conduct;
15. Violation of safety regulations;
16. Unauthorized disclosure, use, or theft of the school's confidential information;
17. Use of abusive or threatening language;
18. Excessive lateness or absenteeism;
19. Failure to report an absence;
20. Signing or marking another employee's time sheet;
21. Creating hazardous or unsafe conditions;
22. Repeated failure to complete job assignments;
23. Repeated failure to produce quality work;
24. Other unsatisfactory performance;
25. Surreptitiously recording a workplace conversation;
26. Violation of any school policy; and
27. Any other conduct not in the best interests of the school.

Adopted: 24 October 2019

3211.3 CONSULTING OUTSIDE THE SCHOOL

The Board of Trustees recognizes that teaching staff members will have expertise and knowledge in areas that other school districts, agencies, and other entities may desire. Recognizing that the school will request the expertise from teaching staff members from other school districts, agencies and other entities, the Board supports sharing of its teaching staff members with other school districts, agencies, and other entities to the extent it does not interfere with the efficient operation of the school.

The Executive Director may recommend to the Board a teaching staff member's attendance in another school district, agency or other entity without additional remuneration to the teaching staff member or school, upon a written request from the agency or from the teaching staff member.

The Board of Trustees recognizes teaching staff members will have expertise and knowledge in areas that other school districts, public and private agencies, and private business organizations may desire to compensate as a paid consultant. When a teaching staff member serves as a paid consultant, the teaching staff member is not permitted to use normal work hours for any paid consulting activities. The teaching staff member must complete any paid consulting activities on their own time to include vacation days, evenings, weekends, and/or school holidays.

Adopted: 24 October 2019

3212 ATTENDANCE

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

A teaching staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences may be subject to appropriate consequences, which may include the withholding of a salary increment, dismissal, and/or certification of charges.

Sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household. No teaching staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for in the collective bargaining agreement negotiated with the member's majority representative, in an individual employment contract, or provided in the policies of the Board. In accordance with N.J.S.A. 18A:30-4, the Executive Director or Board of Trustees may require a physician's certificate to be filed with the Secretary of the Board in order to obtain sick leave.

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

Staff members should be at their work place and ready to work fifteen minutes prior to their stating time in order to give themselves enough time to make preparations to begin work at their starting time.

If a staff member fails to notify the school of their absence for two consecutive days, it will be considered to be a voluntary termination of employment with the school.

Adopted: 24 October 2019

3214 CONFLICT OF INTEREST

No teaching staff member of the Board of Trustees shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of the teaching staff member's duties.

No teaching staff member shall use or attempt to use his/her position to secure unwarranted privileges or advantages.

No teaching staff member of the Board shall act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest.

No teaching staff member of the Board shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the teaching staff member in the discharge of his/her duties.

The Board of Trustees discourages the presentation of gifts to teaching staff members by students and their parents.

The Board directs that teaching staff members instruct their students to express their appreciation by means other than gifts.

Teaching staff members may receive gifts of only nominal value from students or their parents.

The Executive Director may approve an act or gift of appreciation to an individual teaching staff member when special circumstances warrant.

Adopted: 24 October 2019

3216 DRESS AND GROOMING

Essex Valley School is a professional organization and works with students, families, school districts, and State agencies. As such, Essex Valley School expects its employees to dress in appropriate attire and conduct themselves appropriately.

Teachers' assistants can wear jeans and sneakers five days a week. Teachers must dress professional Monday through Thursday and can dress casual on Fridays. The Executive Director may make adjustments in schedule if necessary.

Adopted: 24 October 2019

3217 USE OF CORPORAL PUNISHMENT

The Board of Trustees cannot condone an employee's resort to force or fear in the treatment of students, even those students whose conduct appears to be open defiance of authority. Each student is protected by law from bodily harm and from offensive bodily touching.

Teaching staff members shall not use physical force or the threat of physical force to maintain discipline or compel obedience except as permitted by law, but may remove students from the classroom or school by the lawful procedures established for the suspension and expulsion of students.

A teaching staff member who:

1. Uses force or fear to discipline a student except as such force or fear may be necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of a student, to act in self-defense, or to protect persons or property;

2. Touches a student in an offensive way even though no physical harm is intended;

3. Permits students to harm one another by fighting; or

4. Punishes students by means that are cruel or unusual;

will be subject to discipline by this Board and may be dismissed.

Adopted: 24 October 2019

3218 SUBSTANCE ABUSE

The Board of Trustees recognizes a teaching staff member who reports to work under the influence of 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. 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" 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 member has been assigned job responsibilities. Refusal of a teaching staff member to consent to the medical examination and substance test will be determined to be a positive result.

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. 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 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, to the staff member responsible at the time of the alleged violation. Either the Principal or the staff member shall notify the Executive Director 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 Executive Director 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 Executive Director 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.

42 CFR Part 2
N.J.A.C. 6A:16-6.3; 6A:32-6.3

Adopted: 24 October 2019

3221 EVALUATION OF CERTIFIED STAFF MEMBERS, INCLUDING TEACHERS, THERAPISTS, CHILD STUDY TEAM MEMBERS, SOCIAL WORKERS, SCHOOL NURSES, PHYSICAL THERAPY ASSISTANTS, AND CERTIFIED OCCUPATIONAL THERAPY ASSISTANTS

The Board believes that evaluations of all teaching staff members are essential in order to ensure that Essex Valley School is achieving its goal to educate students through multi-sensory learning opportunities, and to build student confidence and encourage development of the skills necessary to achieve life-long success. Therefore, each teaching staff member shall have his/her job performance evaluated on a regular basis.

Each staff member will be observed in accordance with the guidelines developed by the Essex Valley School administrative team. The observation criteria and a schedule shall be provided to each employee. The purpose of such evaluations shall be to improve professional competence by identifying any existing deficiencies and providing assistance for their correction. Such evaluations shall address issues including, but not limited to, quality of services provided, interpersonal relations, level of productivity and promotability. Following these evaluations, the Executive Director or designee or the Principal shall meet with the employee to discuss the results. The conclusions of such evaluations shall be the catalyst for determinations of remuneration adjustment or dismissal, suspension or demotion.

The Board has developed job descriptions, and shall develop evaluation criteria for the positions that are based on the duties for the position. Staff members will receive a separate document outlining the specifics of the criteria used for evaluation. Such evaluation criteria will include information regarding the number of observations and conferences to be scheduled each year, as well as a measurement of student progress relating to their IEP goals and the goals, objectives and priorities of Essex Valley School.

In evaluating individual teaching staff members, the Board shall ensure that the evaluation criterion, though based directly upon the Board's job descriptions, is also flexible enough to identify the strengths and weaknesses of each employee so as to ensure the development of specific improvement objectives for each staff member.

Adopted: 24 October 2019

3223 EVALUATION OF ADMINISTRATORS

The Board of Trustees recognizes the importance of administrator effectiveness to further the development of a professional corps of educators and to increase student achievement. This Policy and Regulation provides the provisions and requirements for administrator evaluations.

For the purposes of Policy 3223, "administrator" means a principal, assistant principal, director, supervisor, or any other administrative or supervisory position in the school as determined by the Board of Trustees.

The Board of Trustees shall develop evaluation instruments that shall be used for administrators.

Observations and evaluations for administrators shall be conducted by the Executive Director or designee at least once each school year and completed by June 30. Each administrator may add comments to the annual written evaluation provided the comments are provided to the Executive Director or designee within five working days after the annual evaluation is provided to the administrator.

Adopted: 24 October 2019

3230 OUTSIDE ACTIVITIES

The Board of Trustees recognizes that teaching staff members enjoy a private life outside their job responsibilities in the school. The Board believes the role of the teaching profession is such that teachers exert a continuing influence away from the school. Accordingly, the Board reserves the right to determine if activities outside the teaching staff member's job responsibilities interfere with their professional performance and the discharge of the member's responsibilities to the students of this school.

All teaching staff members are advised to be governed in the conduct of personal activities by the following guidelines:

1. Teaching staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the Executive Director;

2. The Board does not endorse, support, or assume liability in any way for any staff member of this school who takes students on trips not approved by the Board or Executive Director, and shall not be liable for the welfare of students who travel on such trips. Any staff member who takes students of this school on a trip not approved by the Board or Executive Director shall clearly and concisely inform the parent(s) of any student solicited and/or attending such a trip that the trip is not endorsed, supported, approved, or authorized by the Board of Trustees. A staff member shall not solicit students on school grounds for trips not approved by the Board or Executive Director;

3. The Board does not endorse, support, or assume liability in any way for any teaching staff member of this school who conducts a private activity in which students or employees of this school participate;

4. Teaching staff members shall not send campaign literature home with students, or request, direct, or have students distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election. No student shall be requested or directed by any teaching staff member to engage in any activity which tends to promote, favor, or oppose any such candidacy, bond issue, proposal, or public question;



5. Teaching staff members shall not privately tutor students for compensation that are currently enrolled in their classes; and

6. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by teaching staff members in the performance of their professional duties reside with and may be claimed by the Board.

Adopted: 24 October 2019

3232 TUTORING SERVICES

School staff members routinely provide time beyond their assigned responsibilities to students who need additional help in their academic programs. This additional help is provided by a staff member on school grounds during their free time during their workday or immediately before or after school hours. The time a staff member provides additional help to a student is an extension of their assigned school responsibilities and a staff member may not charge a fee for providing this additional help to students.

However, the Board of Trustees recognizes a school staff member may be privately contracted to provide tutoring services to a student in addition to any additional help a student receives before, during, and/or after the school day. These tutoring services shall be provided to a student under a private agreement between the staff member and the parent and/or student. Private tutoring shall not take place on school grounds.

The Board of Trustees assumes no responsibility, liability, or obligations for the selection of the private tutor or the quality of the private tutoring services. School staff members shall not provide private tutoring services or therapy services for a fee or any compensation to any student that is currently enrolled in their classes or they work within their position in the school.

Adopted: 24 October 2019

3233 POLITICAL ACTIVITIES

The Board of Trustees recognizes and encourages the right of all citizens, including teaching staff members, to engage in political activity. The Board prohibits the use of school premises and school time, however, for partisan political purposes.

The Board establishes the following guidelines to govern teaching staff members in their political activities:

1. A teaching staff member shall not engage in political activity on school premises unless permitted in accordance with Board Policy 7510 - Use of School Facilities and/or applicable Federal and State laws;

2. A teaching staff member shall not post political circulars or petitions on school premises nor distribute such circulars or petitions to students nor solicit campaign funds or campaign workers on school premises;

3. A teaching staff member shall not display any material that would tend to promote any candidate for office on an election day in a school facility that is used as a polling place;

4. A teaching staff member shall not engage in any activity in the presence of students while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

The provisions of this policy do not apply to the discussion and study of politics and political issues appropriate to the curriculum, the conduct of student elections, or the conduct of employee representative elections.

Nothing in this Policy shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or student.

Adopted: 24 October 2019

3240 PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL LEADERS

The Board of Trustees encourages all teaching staff members to pursue a program of continuing professional development by course work or matriculation in institutions of higher learning, participation in workshops and conferences, membership in professional organizations, and/or independent scholarship.

Teaching staff members may be permitted to: visit other schools and classrooms; attend local, regional, or national conferences; participate in committees, workshops, and panels, both within and outside the school. Requests for participation in such professional development activities must be submitted in writing to the Executive Director or designee for approval. In addition, the Board of Trustees must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars and any additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

A teaching staff member who has been granted time off and/or approved to be reimbursed for a professional development activity shall submit to the Executive Director or designee, with a copy to the Business Manager, within ten working days, a brief written report that includes the primary purpose of the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school.

All active teachers, defined as staff whose positions require possession of the instructional or educational services certificates in accordance with N.J.A.C. 6A:9B-8 through 11 and 13 and all active school leaders serving on a permanent or interim basis whose positions require possession of the Chief School Administrator, Principal, or Supervisor endorsement in accordance with N.J.A.C. 6A:9B-12 shall comply with the professional development requirements as outlined in N.J.A.C. 6A:9C-4.1 et seq.

To meet the professional development requirement, each teacher shall be guided by an individual Professional Development Plan (PDP), which shall include at least twenty hours per year of qualifying activities as outlined in N.J.A.C. 6A:9C-4.4. The PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. The PDP shall be updated annually in accordance with N.J.A.C. 9C-4.4(c) and modified during the year as outlined in N.J.A.C. 9C-4.4(d).



School-level professional development planning and implementation shall be in accordance with the requirements of N.J.A.C. 6A:9C-4.2.

Implementation of the professional development requirement for school leaders shall be in accordance with N.J.A.C. 6A:9C-4.3.

The Board of Trustees shall comply with the monitoring and assistance requirements as outlined in N.J.A.C. 6A:9C-4.4.

The Board shall monitor and enforce the professional development requirements for teachers and school leaders set forth in N.J.A.C. 6A:9C-4.1 et seq. and shall actively assist and support the provision of opportunities and resources, and the efforts by teachers and school leaders to meet the professional development requirements.

N.J.S.A. 18A:31-2; 18A:6-111
N.J.A.C. 6A:9-3.3; 6A:13-2.1; 6A:9B-8 through 13; 6A:9C-3.3;
6A:9C-4.1 et seq.

Adopted: 24 October 2019



3245 RESEARCH PROJECTS BY STAFF MEMBERS

The Board of Trustees encourages the participation of teaching staff members in research projects that are soundly designed and professionally conducted.

Teaching staff members may seek funding from local, State, and Federal sources, public and private, for locally conducted research projects. Any research project involving students must be approved by the Board; all other research projects involving school personnel, facilities, and/or resources may be approved by the Executive Director.

An application for approval of a proposed research project must set forth the purpose of the project; a detailed description of the project; the degree to which, if any, the project will interrupt or displace the regular instructional program; a projection of the number of students, if any, and staff members who will be involved, the period of time that will be devoted to the project, and the project costs; the source of funding; any background information necessary to an understanding of the project; the means by which the project will be evaluated; and an assessment of the contribution the project will make to the educational program of this school.

A written report must be made to the Executive Director when a research project is terminated, either completed or incomplete. The Executive Director may also require progress reports during the course of any research project and may notify appropriate administrators of the conduct of any research project.

Adopted: 24 October 2019

3270 PROFESSIONAL RESPONSIBILITIES

The Board of Trustees will establish and enforce rules for the assignment of specific duties to teaching staff members and for the conduct of teaching staff members during the work day.

The Board directs the Executive Director to require the preparation of lesson plans by each teacher that implement the goals and objectives of the educational program. Teachers shall also be responsible for providing adequate direction and guidance to substitutes. Lesson plans will be subject to periodic review by the Principal.

The Executive Director shall apply uniformly throughout the school, except as may otherwise be provided in this policy, the following additional rules for teaching staff member conduct:

1. During the work day, teaching staff members may be assigned extra or alternative duties by the Principal in accordance with Board Policy 3134;

2. Teaching staff members are expected to attend every faculty meeting unless expressly excused by the Principal. A teaching staff member who is excused from attending a faculty meeting must meet with the Principal or designee the following day to review the topics covered at the meeting.

Teaching staff members who are assigned as department heads or who are assigned to work on curriculum revision during the regular school day will be given an appropriate reduction in teaching assignments.

Adopted: 24 October 2019

3280 LIABILITY FOR STUDENT WELFARE

Teaching staff members are responsible for supervision of students and must discharge that responsibility with the highest levels of care and prudent conduct. All teaching staff members of this school shall be governed by the following rules in order to protect the well-being of students and to avoid any assignment of liability to this Board of Trustees or to a staff member personally in the event a student is injured.

The Executive Director shall prepare such regulations as may be required to enforce the following rules:

1. Each teaching staff member must maintain a standard of care for supervision, control, and protection of students commensurate with the member's assigned duties and responsibilities;

2. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities;

3. A teaching staff member must provide proper instruction in safety wherever course guides so provide;

4. A teaching staff member must report immediately to the Principal any accident or safety hazard the member detects;

5. A teaching staff member must not send students on personal errands;

6. A teaching staff member must never transport students in a personal vehicle without the approval of the Principal;

7. A teaching staff member must not require a student to perform tasks that may be detrimental to the health or well-being of the student or other students;

8. A teaching staff member will refrain from the use of personal furnishings and equipment in the classroom without the express permission of the Principal;

9. A teaching staff member must immediately report any instance of substance abuse, violence, vandalism, accidents, or suspected child abuse in accordance with Policy Nos. 8442, 8461P, and 8462P.

N.J.S.A. 9:6-8.8 et seq.
N.J.S.A. 18A:25-2
N.J.S.A. 59:1-1 et seq.

Adopted: 24 October 2019

3281 INAPPROPRIATE STAFF CONDUCT

The Board of Trustees recognizes its responsibility to protect the health, safety and welfare of all students within this school. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a student's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all students attending the school.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Trustees holds all school staff to the highest level of professional responsibility in their conduct with all students. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school.

The Board recognizes and appreciates the staff-student professional relationship that exists in a school's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward students.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to students or about students and shall not engage in inappropriate language or expression in the presence of students. School staff shall not engage in inappropriate conduct toward or with students. School staff shall not engage or seek to be in the presence of a student beyond the staff member's professional responsibilities. School staff shall not provide transportation to a student in their private vehicle or permit a student into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Principal/immediate supervisor and the parent.

Inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to students or for public display.

A school staff member is always expected to maintain a professional relationship with students and to protect the health, safety and welfare of school students. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education, an arbitration process, and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.



School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Principal any possible violations of this Policy. In the event the report alleges conduct by the Principal or the immediate supervisor, the school staff member may report directly to the Executive Director. In addition, school personnel having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Principal or immediate supervisor after making such report. However, notice to the Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Principal will notify the Executive Director of all reports, including anonymous reports. The Assistant Director will investigate all reports with a final report to the Executive Director. The Assistant Director or the Executive Director may, at any time after receiving a report, take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1, and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at any time upon request.

N.J.A.C. 6A:16-11.1

Adopted: 24 October 2019

3282 USE OF SOCIAL NETWORKING SITES

The Board of Trustees has a strong commitment to quality education and the well-being of all students, as well as the preservation of the school's reputation. The Board believes staff members must establish and maintain public trust and confidence and be committed to protecting all students attending the school. In support of the Board's strong commitment to the public's trust and confidence, the Board holds all staff members to the highest level of professional responsibility.

The Commissioner of Education has determined inappropriate conduct outside a staff member's professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board could be cause for dismissal of a staff member or to certify charges against a staff member to the Commissioner of Education.

Staff members are advised to be concerned and aware such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other form of electronic communication that is directed and/or available to students or for public display or publication.

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. It is important that a staff member's use of these sites does not damage the reputation of the school, employees, students, or their families. Staff members who utilize, post or publish images, photographs, or comments on social networking sites, blogs, or other forms of electronic communication outside their professional responsibilities shall ensure their use, postings, or publications are done with an appropriate level of professionalism and are appropriate conduct for a school staff member. Staff members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public even without their knowledge or consent.

The school strongly encourages all staff members to carefully review the privacy settings on social networking sites they use and exercise care and good judgment when posting content and information on such sites. Staff members should adhere to the following guidelines, which are consistent with the school's workplace standards on harassment, student relationships, conduct, professional communication, and confidentiality.

When using personal social networking sites, school staff members:

1. Should not make statements that would violate any of the school's policies, including its policies concerning discrimination or harassment;

2. Must uphold the school's value of respect for the individual and avoid making defamatory statements about the school, employees, students, or their families;

3. May not disclose any confidential information about the school or confidential information obtained during the course of his/her employment, about any individual(s) or organization, including students and/or their families;

4. Shall not use social networking sites to post any materials of a sexually graphic nature;

5. Shall not use social networking sites to post any materials which promote violence;

6. Shall not use social networking sites which would be detrimental to the mission and function of the school;

7. Are prohibited from using their school title as well as adding references to the school in any correspondence including, but not limited to, e-mails, postings, blogs, and social networking sites unless the communication is of an official nature and is serving the mission of the school. This prohibition also includes signature lines and personal e-mail accounts;

8. Shall not post updates to their status on any social networking sites during normal working hours including posting of statements or comments on the social networking sites of others during school time unless it involves a school project. Employees must seek approval from the Executive Director for such use; and

9. Shall not post or publish any information the Commissioner of Education would deem to be inappropriate conduct by a school staff member.

The Policy of this school is to maintain a level of professionalism both during and after the school day. Any publication through any means of electronic communication which is potentially adverse to the operation, morale, or efficiency of the school, will be deemed a violation of this Policy. If the Board or Executive Director believes that a staff member's activity on any social networking site violates the school's policies, the Board or Executive Director may request that the employee cease such activity. Depending on the severity of the incident, the staff member may be subject to disciplinary action.

This Policy has been developed and adopted by this Board to provide guidance and direction to staff members on how to avoid actual and/or the appearance of inappropriate conduct toward students and/or the community while using social networking sites.

Adopted: 24 October 2019

3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS

In accordance with the provisions of N.J.S.A. 18A:36-40, the school adopts this Policy to provide guidance and direction to teaching staff members to prevent improper electronic communications between teaching staff members and students. The school recognizes teaching staff members can be vulnerable in electronic communications with students.

The school prohibits all electronic communications between employees and students. However, based on a teaching staff member's professional responsibilities electronic communications between a teaching staff member and a student may be permitted with written approval of the Executive Director or designee. The approval is only for the school year in which the approval is granted. If the Executive Director or designee approves electronic communications between a teaching staff member and a student, the teaching staff member shall be required to comply with all the provisions of this Policy.

Improper electronic communications by school staff members may be determined to be inappropriate conduct. Violation of this Policy may lead to disciplinary action, up to and including termination of employment.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a teaching staff member's responsibilities assigned to the teaching staff member by the Executive Director.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a teaching staff member and any student of the school when:

1. The content of the communication is inappropriate as defined in this Policy; and/or

2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a teaching staff member and a student as defined in this Policy. Inappropriate content of an electronic communication between a teaching staff member, who has been approved by the Executive Director or designee to have electronic communications, and a student includes, but is not limited to:

a. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;

b. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;

c. Communications regarding the teaching staff members or student's past or current romantic relationships;

d. Communications which include the use of profanities, obscene language, lewd comments, or pornography;

e. Communications that are harassing, intimidating, or bullying;

f. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member's professional responsibilities;

g. Communications related to personal or confidential information regarding another school staff member or student; and

h. Communications between the teaching staff member and a student that the Executive Director would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a teaching staff member, who has been approved by the Executive Director or designee to have electronic communications, and a student shall be followed:

1. E-Mail Electronic Communications Between Employees and Students

a. All e-mails between a teaching staff member and a student must be sent or received through the school's e-mail system. The content of all e-mails between a teaching staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.



b. A teaching staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a teaching staff member's personal e-mail address, the staff member shall respond to the e-mail through the school e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the teaching staff member and the student.

c. A teaching staff member's school e-mail account is subject to review by authorized school officials. Therefore, a teaching staff member shall have no expectation of privacy on the school's e-mail system.

2. Cellular Telephone Electronic Communications Between a Teaching Staff Member and a Student

a. Communications between a teaching staff member and a student via a personal cellular telephone shall be prohibited. However, a teaching staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the teaching staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.

3. Text Messaging Electronic Communications Between Teaching Staff Members and Students

a. Text messaging communications between a teaching staff member and an individual student are prohibited. However, a teaching staff member may, with prior approval of the Executive Director or designee, text message students provided the need to text message is directly related to the teaching staff member's professional responsibilities regarding the student. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the activity approved by the Principal or designee.



4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Teaching Staff Members and a Student

   a. A teaching staff member is prohibited from communicating with any student through the teaching staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a teaching staff member and a student.

   b. A teaching staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a teaching staff member's personal social networking website or other Internet-based social media website shall not be responded to by the teaching staff member and shall be reported to the Executive Director or designee by the teaching staff member.

   c. If a teaching staff member has a student(s) as a "friend" on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.

   d. Communication between a teaching staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

Reporting Responsibilities

1. In the event a student sends an electronic communication to a teaching staff member who has not been approved by the Executive Director or designee to have electronic communications, the teaching staff member shall report the communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such electronic communications. Electronic communications by a teaching staff member or a student where such communications are not approved by the Executive Director or designee may result in appropriate disciplinary action.



2. In the event a student sends an improper electronic communication, as defined in this Policy, to a teaching staff member who has been approved by the Executive Director or designee to receive electronic communications, the teaching staff member shall report the improper electronic communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a teaching staff member or a student may result in appropriate disciplinary action.

A teaching staff member and student may be exempt from the provisions outlined in this Policy if a teaching staff member and student are relatives. The teaching staff member and the student's parent shall submit notification to the Principal of the student's school of their family relationship and their exemption from the provisions outlined in this Policy.

The provisions of this Policy shall be applicable at all times while the teaching staff member is employed in the school and at all times the student is enrolled in the school, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

Adopted: 24 October 2019

3321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY TEACHING STAFF MEMBERS

The Board recognizes that as telecommunications and other new technologies shift the manner in which information is accessed, communicated and transferred that those changes will alter the nature of teaching and learning. Access to telecommunications will allow teaching staff members to explore databases, libraries, Internet sites, bulletin boards and the like while exchanging information with individuals throughout the world. The Board supports access by teaching staff members to information sources but reserves the right to limit in-school use to materials appropriate to educational purposes. The Board directs the Executive Director to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes that telecommunications will allow teaching staff members access to information sources that have not been pre-screened using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer network(s) and declares unethical, unacceptable, inappropriate or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, instituting legal action or taking any other appropriate action as deemed necessary.

The Board provides access to computer network(s)/computers for administrative and educational purposes only. The Board retains the right to restrict or terminate teaching staff member's access to the computer network(s)/computers at any time, for any reason. The Board retains the right to have the Executive Director or designee monitor network activity, in any form necessary, to maintain the integrity of the network(s) and ensure its proper use.

Standards for Use of Computer Network(s)

Any individual engaging in the following actions declared unethical, unacceptable or illegal when using computer network(s)/computers shall be subject to discipline or legal action:

1. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities which violate Federal, State, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.

2. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.



3. Using the computer network(s) in a manner that:

   a. Intentionally disrupts network traffic or crashes the network;

   b. Degrades or disrupts equipment or system performance;

   c. Uses the computing resources of the school for commercial purposes, financial gain or fraud;

   d. Steals data or other intellectual property;

   e. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;

   f. Gains or seeks unauthorized access to resources or entities;

   g. Forges electronic mail messages or uses an account owned by others;

   h. Invades privacy of others;

   i. Posts anonymous messages;

   j. Possesses any data which is a violation of this policy; and/or

   k. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Policy 3150, Discipline which includes but are not limited to:

1. Use of the network(s)/computers only under direct supervision;

2. Suspension of network privileges;

3. Revocation of network privileges;

4. Suspension of computer privileges;



5. Revocation of computer privileges;

6. Suspension;

7. Dismissal;

8. Legal action and prosecution by the authorities; and/or

9. Any appropriate action that may be deemed necessary as determined by the Executive Director and approved by the Board of Trustees.

Adopted: 24 October 2019

3322 STAFF MEMBER'S USE OF PERSONAL CELLULAR TELEPHONES/ OTHER COMMUNICATION DEVICES

The Board of Trustees recognizes a teaching staff member may need to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday. Electronic communications include, but are not limited to: voice conversations, text-messaging, accessing social networking or other internet sites, or any other type of electronic communication.

In the event the teaching staff member needs to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday, the teaching staff member may do so provided the communication is made during the teaching staff member's duty free lunch periods and is made outside the presence of students.

An electronic communication by a teaching staff member on a non-school related, personal matter using a personal cellular telephone or other personal communication device shall not be made while the teaching staff member is performing assigned school responsibilities.

In the event the teaching staff member has an emergency requiring immediate attention that requires such a communication while performing assigned school responsibilities, the teaching staff member shall inform their Principal or immediate supervisor before or immediately after the communication, depending on the nature of the emergency. The Board of Trustees is not responsible if a teaching staff member's personal cellular telephone or other communication device is lost, stolen, or missing.

Adopted: 24 October 2019

3324 RIGHT OF PRIVACY

The Board of Trustees will provide facilities and school-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or school-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school-owned property or may require the facility or school-owned property be shared with other staff members. The staff member may be provided a lock or key by the school or may secure the facility or school-owned property using their own locking device with permission from the Principal or designee.

School staff members should be aware their expectation of privacy in these facilities and/or the school-owned property provided by the Board of Trustees is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school-owned property.

Adopted: 24 October 2019

3340 GRIEVANCE

The Board of Trustees shall develop and practice reasonable and effective means for the resolution of disputes that may arise in the employment of teaching staff members not covered by the terms of a negotiated agreement.

The Board directs that any grievance not provided for by negotiated agreement be resolved by submission to the following grievance procedure, which is designed to promote proper and equitable settlement of grievances at the lowest appropriate level and to facilitate an orderly process for the resolution of grievances.

For the purposes of this policy, "grievance" means an unresolved problem concerning the application or interpretation by an officer or employee of this school of law, regulations of the State Board of Education, the bylaws or policies of the Board, or the administrative regulations of the Executive Director; "grievant" is a school employee who alleges a grievance or the employee's representative; "party" means the grievant or any person named in the grievance as allegedly having violated a law, bylaw, policy, or regulation; and "day" means a school day.

A grievant may use personal leave time when it becomes necessary to process a grievance during school hours. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible. There will be no reprisal of any kind taken against any employee or employee's representative for participation in a grievance.

Any alleged grievance should, at the first instance, be discussed in one or more private, informal conferences between the parties involved or between the grievant and his/her immediate supervisor. A grievance not resolved in one or more such private meetings may be processed in accordance with the following procedure.

Level One

Within three working days of the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing to the grievant's Principal or immediate supervisor. The written document will be a clear, concise statement of the grievance and will include the law, rule, policy, or regulation that the grievant alleges to have been violated; the factual circumstances on which the grievance is based; the person or persons involved; the decision, if any, rendered at the private conference; and the remedy sought.

Within seven working days the supervisor shall present a decision to the grievant in writing. If the Principal or immediate supervisor does not respond during the time permitted, the grievant may appeal to the next level.

Level Two

A grievant not satisfied with a decision at Level One may appeal that decision in writing to the Principal or immediate supervisor within three working days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal will include a copy of the original grievance; the decision rendered, if any; the name of the grievant's representative, if any; and a clear, concise statement of the reasons for the appeal of the decision.

The Principal or immediate supervisor shall present a decision to the grievant within seven working days. If no decision is rendered within that time limit, the grievant may appeal to the next level.

Level Three

A grievant not satisfied with the Executive Director's decision may appeal that decision in writing to the Board within three working days after the receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal to the Board will include copies of the original grievance, the appeal of that grievance at Level Two, and the decisions, if any.

The Board shall schedule the grievance for hearing to be held within forty-five calendar days of the presentation of the appeal. The grievant shall be present at the hearing.

Within ten calendar days of the hearing, the Board shall submit its decision in writing together with reasons that support the decision to the grievant. A copy of the decision shall be given to the Executive Director and to any other party to the grievance.

The decision of the Board shall be final.

Adopted: 24 October 2019

3351 HEALTHY WORKPLACE ENVIRONMENT

The Board of Trustees recognizes a healthy workplace environment enables school administrative and teaching staff members to fully contribute their expertise and skills to their school responsibilities. A healthy workplace environment can improve productivity, reduce absenteeism, and reduce staff turnover while having a positive impact on the school's programs provided to students in the school.

A significant characteristic of a healthy workplace environment is that employees interact with each other with dignity and respect regardless of an employee's work assignment or position in the school. Repeated malicious conduct of an employee or group of employees directed toward another employee or group of employees in the workplace that a reasonable person would find hostile or offensive is unacceptable and is not conducive to establishing or maintaining a healthy workplace environment. This unacceptable conduct may include, but is not limited to, repeated infliction of verbal abuse such as the use of derogatory remarks; insults; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance. A single act of such conduct shall not constitute the unacceptable conduct prohibited by this policy unless it is especially severe and egregious.

Unacceptable conduct, for the purposes of this policy, is not conduct toward an employee of a protected class or because of the employee's protected activity. These employees and activities are afforded the legal protections under various Federal and State anti-discrimination laws. In addition, unacceptable conduct for the purposes of this policy shall not be confused with conduct of management employees exercising management rights including, but not limited to, assigning tasks, reprimanding, assigning discipline, or directing.

Employees who believe the conduct prohibited by this policy has been directed toward them or to another employee of the school shall submit a written report to the Executive Director. The written report shall provide specific details supporting the claim including, but not limited to, the specific conduct; the names of witnesses (if any) who may have observed such conduct; dates or times when such conduct occurred; and any other information the person(s) making the report believes will be informative and helpful to an investigation of the allegations. Upon receipt of a report, the Executive Director or designee will conduct an investigation and upon completion of the investigation will inform the person(s) who made the report such an investigation was completed. The amount of investigation information shared with the person(s) making the report will be at the discretion of the Executive Director or designee and may vary depending on whether the conduct reported was directed to the person(s) making the report, confidential personnel matters, and/or other issues as determined by the Executive Director or designee.

If the investigation determines conduct prohibited by this policy has taken place, the Executive Director or designee will meet with the offender(s) and the victim(s) to review the investigation results and to implement remedial measures to ensure such conduct does not continue or reoccur. Appropriate disciplinary action may be taken depending on the severity of conduct.

There shall be no reprisals or retaliation against any person(s) who reports conduct prohibited by this policy.

Adopted: 24 October 2019

3362 SEXUAL HARASSMENT

The Board of Trustees recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school and intolerable in a workplace to which the children of this school are exposed.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee's gender. Whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct is severe and pervasive and has the purpose or effect of unreasonably altering or interfering with work performance or creating an intimidating, hostile, or offensive working environment, the employee shall have cause for complaint.

The sexual harassment of any employee of this school is strictly forbidden. Any employee or agent of this Board who is found to have sexually harassed an employee of this school will be subject to discipline which may include termination of employment. Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor.

The Affirmative Action Officer shall instruct all employees and agents of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.

Adopted: 24 October 2019

3381 PROTECTION AGAINST RETALIATION

The Board of Trustees will take no retaliatory action, by discharge, demotion, suspension, or any other adverse action, against an employee because that employee has conscientiously:

1. Disclosed or threatened to disclose to a supervisor or public body an activity, policy, or practice of this Board or any school officer that the employee reasonably believes to be in violation of law or rule;

2. Provided information to a public body conducting an investigation, hearing, or inquiry into any alleged violation of law by the Board or an officer of this school; or

3. Objected to or refused to participate in an activity, policy, or practice of this school that the employee reasonably believes to be in violation of law or rule, fraudulent, criminal, or incompatible with a clear mandate of public policy concerning the public health, safety, or welfare or protection of the environment.

An employee who has reason to believe that the Board has engaged in an illegal activity or an activity contrary to public policy must report that belief in writing to the Executive Director or designee before notice is given to a supervisor or a public body. The Executive Director or designee shall promptly report the same to the Board and institute an investigation of the reported activity. The findings of the investigation will be reported in writing to the Board and to the employee.

The protection of law and this policy apply only to employees who have given notice in accordance with this policy and have afforded the Board a reasonable period of time to take any corrective action that may be required or have acted in circumstances that the employee believes in good faith constitute an emergency.

The Executive Director shall post notice of this policy and inform employees of their rights under the New Jersey Conscientious Employee Protection Act.

Adopted: 24 October 2019

3410 COMPENSATION

The Board of Trustees will approve the compensation for teaching staff members as recommended by the Executive Director.

Salary Increases

Contingent on the availability of funding, salary increases for most employees are given each year. The amount of each employee's salary increase is based on several factors including, but not limited to, an increase in the cost of living and his or her performance.

Employees who experienced a change in position during the evaluation year, which was accompanied by a salary increase, shall be subject to the same limitations on salary increases as new employees.

N.J.S.A. 18A:6-6; 18A:16-11; 18A:27-4; 18A:29-2

Adopted: 24 October 2019

3420 BENEFITS

The following is a summary of the benefits the school currently provides to employees. The description of the benefits contained in this Policy merely highlights the programs and benefits provided. These plans are described more fully in summary plan descriptions and official plan documents. In the event of any conflict, the official plan documents will govern.

Further, the school or its designee retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans. The school or its designee may modify or eliminate any benefits or programs it currently provides, as well as increase the cost to employees of such benefits and programs. This discretionary authority extends to all issues concerning benefit eligibility and entitlement.

Medical Insurance Coverage

Essex Valley School is well aware of the high cost of receiving medical attention and treatment. Because the school wants its employees and their dependents to be able to obtain the medical treatment they need and deserve, the school permits all regular full-time employees to participate in its health insurance plan.

Details of the plan, including coverage limitations, inclusions and costs to employees are contained in the insurance booklets employees receive when they become eligible for the plan.

Dental Insurance Coverage

As part of the school's medical benefit programs, Essex Valley School provides dental benefits. Dental insurance will assist employees in paying for their own or their dependent's dental costs.

Details of the dental insurance policy, including coverage limitations, inclusions and costs to employees are contained in the insurance booklets employees receive when they become eligible for the plan.

Life Insurance and Accidental Death and Dismemberment

The loss of income due to the death of a wage earner can put a serious financial burden on any family. The school provides employees with life insurance to help provide for their family in the event of the Essex Valley School staff member’s death. All employees become eligible for life insurance and accidental death and dismemberment after completing three months of continuous service with the school.

Details about life insurance and accidental death and dismemberment benefits are contained in the plan booklet.

Short Term Disability

Staff members who are unable to work because of sickness or injury may be eligible for temporary State disability benefits. Eligibility requirements for such benefits are established by the State of New Jersey.

All claims for disability must be filed within thirty days of the start of the disability. An employee may be required to submit to a physical examination by a State approved physician. This examination is done at no cost to the employee. Refusal to submit to an examination may result in the denial of benefits.

No benefits are payable to any employee for the first seven consecutive days of each period of disability. However, if an employee becomes eligible for payment for the next three consecutive weeks following the first seven days, benefits for the first seven days will be paid retroactively.

Employees who are interested in any additional information about these benefits, should contact the Business Office Department.

Long Term Disability

The school provides a long-term disability (LTD) plan for regular full-time employees up until age sixty-five. LTD Insurance is paid to the employees after ninety days of continuous disability. Details of the plan are described in the plan booklet.

Benefits During Leave

During Family Medical Leave Act (FMLA) leave only, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the school notifies employees of other arrangements, whenever employees are receiving pay from the school during FMLA leave, the school will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If FMLA leave is unpaid, employees must pay their portion of the group health premium through direct payment by the employee to the school. If an employee does not return to work within thirty calendar days at the end of the leave period (unless the employee cannot return to work because of a serious health condition or other circumstances beyond his/her control) the employee will be required to reimburse the school for the cost of the premiums the school paid for maintaining coverage during the employee's unpaid FMLA leave.

Employees on a leave may be subject to certain restrictions on their seeking and/or obtaining full or part-time work for another employer during the leave. If an employee intends to seek or continue working for another employer during leave, the employee must contact the Business Office.

Adopted: 24 October 2019

3425 WORK RELATED DISABILITY PAY

The Board of Trustees will permit, in accordance with law, the absence without loss of pay or of annual or accumulated sick leave benefits of a teaching staff member disabled by accident or injury arising out of and in the course of employment. Any such employee shall seek the workers' compensation benefits to which he/she is entitled by law.

An employee whose disability has qualified for the receipt of workers' compensation benefits shall be presumed eligible for work related disability pay under this policy. When an employee's disability is so brief as to preclude the employee's application for workers' compensation benefits, the employee may request and the Board may grant work related disability pay.

Any employee who qualifies for work related disability pay under this policy will be entitled to compensation in accordance with the law.

As a condition of receiving compensation, an employee who receives workers' compensation benefits for his/her work-related disability must endorse and deliver to the Board all workers' compensation temporary disability checks received for the period covered by this policy.

Adopted: 24 October 2019

3425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

New Jersey's workers' compensation laws provide lost wages and pay medical expenses for an employee who sustains an injury as a result of an on-the-job accident, injury, or occupational disease. Workers' compensation is designed to protect school employees and their families against the hardships from injury arising in the workplace. In an effort to assist school staff in recovering from an eligible workers' compensation injury, the Board provides a Modified Duty Early Return To Work Program. The Program is provided to staff members who have been injured on the job, but who are not permanently disabled. The Program is intended to minimize the negative psychological impact to an injured staff member due to being out of work and to provide a transition and adjustment period for the injured staff member to return to work while recovering from an on-the-job injury.

The school may assign temporary modified duties and responsibilities to staff members that have sustained an eligible workers' compensation injury. These employees may temporarily perform duties and responsibilities that may or may not be within their job description, or may or may not be within their department. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

The modified duties and responsibilities will be determined by the Human Resources Manager, the school's designated Workers' Compensation Coordinator, after a medical examination and evaluation of the injured staff member by the Board's designated workers' compensation physician. The Workers' Compensation Coordinator will determine if the injured staff member is eligible for modified duties or responsibilities. This determination will be based on:

1. The workers' compensation physician's examination and evaluation report;

2. The injured staff member's capabilities to assume modified duties or responsibilities;

3. The availability of modified duties and responsibilities within the school at the time; and/or

4. Other issues that may impact the school's ability to assign modified duties and responsibilities.

This Modified Duty Early Return to Work Program will be administered consistent with applicable Federal and State laws and in accordance with provisions of collective bargaining agreements within the school.

Adopted: 24 October 2019

3431.1 FAMILY LEAVE

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A. Introduction

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA).

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in a twelve month period upon advance notice to the school for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member, or because of any qualifying exigency arising out of the fact that the staff member's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible staff members may take up to a combined total of twenty-six workweeks in a single twelve month period to care for a covered servicemember with a serious injury or illness.

NJFLA leave for teaching staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the school so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

B. Applicability

The Board will comply with requirements of the New Jersey and Federal Family Leave laws. The laws have similar and different provisions that may provide different rights and obligations for the staff member and/or the Board. The staff member shall be afforded the most favorable rights if there is a conflict in the rights afforded to the staff member under the two laws.

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.

2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.



3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law's leave entitlements within one twelve-month period. (Example: A staff member may use their FMLA leave for a twelve week family leave for their own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

C. Definitions

1. Federal Family and Medical Leave Act (FMLA)

"Contingency operation" means a military operation that results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

"Covered active duty" or "call to covered active duty" means duty during deployment of a member with the Armed Forces to a foreign country and, in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

"Covered servicemember" means a current member of the Armed Forces (including National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

"Covered veteran" means an individual who was a member of the Armed Forces (including National Guard or Reserves), discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible staff member takes FMLA leave to care for the covered veteran. For a veteran discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. 29 CFR §825.127(b)(2)

"Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness under FMLA. 29 CFR §825.127



"Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 29 CFR §825.122(k). 29 CFR §825.127(d)(3)

"Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. 29 CFR §825.127(b)(1)

"Parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents "in law."

"Parent of a covered servicemember" means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in law."

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider. "Serious health condition" may include treatment of substance abuse pursuant to 29 CFR §825.119.

"Serious injury or illness," only in the case of a veteran or current member of the Armed Forces, means:

a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

b. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

    (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

    (2) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

    (3) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. 29 CFR §825.127(c)

"Single twelve-month period" means that a military caregiver's leave begins on the first day the staff member takes FMLA leave and ends twelve months after that date, regardless of the twelve-month period established by the school for other FMLA leave reasons. 29 CFR §825.127(e)(1)

"Son" or "daughter" means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen or age eighteen or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

"Son or daughter of the covered servicemember" means a covered servicemember's biological, adopted or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. 29 CFR §825.127(d)(1)

"Son or daughter on covered active duty or call to covered active duty status" means the staff member's biological, adopted or foster child, stepchild, legal ward, or a child for whom the staff member stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. 29 CFR §825.126(a)(5)

"Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex marriage or common law marriage. 29 CFR §825.122

"Staff member" means an employee eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).

"Week" or "Workweek" means the number of days a staff member normally works each calendar week.



2. New Jersey Family Leave Act (NJFLA)

"Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but incapable of self-care because of a mental or physical impairment.

"Continuing medical treatment" or "continuing supervision by a health care provider" means a period of incapacity or a period of absence in accordance with N.J.A.C. 13:14.

"Parent" means a biological, adoptive, or foster parent; step-parent; parent-in-law; a legal guardian having a "parent-child relationship" with a child as defined by law; or a person who has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.

"Spouse" means a person to whom a staff member is lawfully married as defined by New Jersey law.

"Staff member" means an employee eligible for family leave in accordance with the New Jersey Family Leave Act.

"Week" or "Workweek" means the number of days a staff member normally works each calendar week.

D. Eligibility

1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this school and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave. The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR §825.110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining



compensable hours of work pursuant to 29 CFR §785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.

Pursuant to 29 CFR §825.201, a husband and wife both employed by the school are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care or in order to care for the son or daughter after placement; or to care for the staff member's parent with a serious health condition.

The method to determine the twelve-month period in which the twelve weeks of FMLA leave entitlement occurs will be a "rolling" twelve month period measured backward from the date a staff member uses any family leave.

A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member using FMLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the school. The staff member may continue the part-time employment that commenced prior to the FMLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

2. New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in this school for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the NJFLA leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

The school shall grant a family leave under NJFLA to more than one staff member from the same family (for example, a husband and a wife, or a brother and a sister) at the same time, provided such staff members are otherwise eligible for the leave. N.J.A.C. 13:14-1.12

A staff member during any period of the NJFLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member on NJFLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the school. The staff member may continue the part-time employment that commenced prior to the NJFLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

The method to determine the twenty-four month period in which the twelve weeks of NJFLA leave entitlement occurs will be a "rolling" twenty-four month period measured backward from the date a staff member uses any leave.

E. Types of Leave

1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave to include servicemember qualifying exigency leave or military caregiver leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

a. Leave for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care may not be taken by a staff member intermittently or on a reduced leave schedule.

b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition.

c. Intermittent leave means leave scheduled for periods of time from one hour or more to several weeks; however, the total time within which the leave is taken can not exceed a twelve month period for each serious health condition episode. Intermittent leave may be taken for a serious health condition that requires periodic treatment by a health care provider, rather than one continuous period of time. Intermittent leave may also be taken for absences where the staff member is incapacitated or unable to

perform the essential functions of the position because of a serious health condition even if the staff member does not receive treatment by a health care provider. The staff member shall make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the instructional/educational program.

d. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the school. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule not exceeding twenty-four consecutive weeks. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the school prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

e. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

f. "Instructional employees" as defined in 29 CFR §825.600(c) are those staff members whose principal function is to teach and instruct students in class, a small group, or in an individual setting. This term includes



teachers, athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. Teacher assistants or aides who do not have as their principal job actual teaching or instructing, guidance counselors, child study team members, curriculum specialists, cafeteria workers, maintenance workers and/or bus drivers are not considered instructional employees for the purposes of this policy. Semester as defined in 29 CFR §825.602(a)(3)(b) means the school semester that typically ends near the end of the calendar year and the end of the spring each school year. A school can have no more than two semesters in a school year.

(1) Leave taken at the end of the school year and continues into the beginning of the next school year is considered consecutive leave.

(2) In accordance with 29 CFR §825.601(a)(1), eligible instructional staff members that need intermittent or reduced leave to care for a family member, or for the staff member's own serious health condition which is foreseeable based on planned medical treatment and the staff member would be on leave more than twenty percent of the total number of working days over the period the leave would extend, the school:

(a) May require the staff member to take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(b) Transfer the staff member temporarily to an available alternative position for which the staff member is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the staff member's regular position.

(3) In accordance with 29 CFR §825.601, if the instructional staff member does not give the required notice for leave that is foreseeable and desires the leave to be taken intermittently or on a reduced leave schedule, the school may require the staff member to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the school may require the staff member to delay taking the leave until the notice provision is met.

(4) In accordance with 29 CFR §825.602, if an instructional staff member begins leave more than five weeks before the end of the school year, the school may require the staff member to continue taking leave until the end of the semester if:

(a) The leave will last three weeks; and

(b) The staff member would return to work during the three-week period before the end of the semester.

(5) In accordance with 29 CFR §825.602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the five-week period before the end of the semester, the school may require the staff member to continue taking leave until the end of the semester if:

(a) The leave will last more than two weeks; and

(b) The staff member would return to work during the two-week period before the end of the semester.

(Example of leave falling within these provisions: If a staff member plans two weeks of leave to care for a family member which will begin three weeks before the end of the term, the school could require the staff member to stay out on leave until the end of the term.)

(6) In accordance with 29 CFR §825.602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the three week period before the end of a semester, the school may require the staff member to continue taking leave until the end of the semester if the leave will last more than five working days.

(7) In the event the school requires the instructional staff member to take additional leave to the end of the semester in accordance with (4), (5), or (6) above, the additional leave days shall not be counted as FMLA leave.

g. Servicemember qualifying exigency leave may arise out of the foreign deployment of the staff member's spouse, child, or parent 29 CFR §§825.122 and 126:

(1) The school must grant an eligible staff member up to twelve work weeks of unpaid, job-protected leave during any twelve-month period for qualifying exigencies that arise when the staff member's spouse, child, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty.

(2) The military member must be the spouse, son, daughter, or parent of the staff member taking FMLA exigency leave.

(3) FMLA leave can be granted for one or more of the following exigencies:

(a) Short-notice deployment:

i. Notification of duty seven or less calendar days prior to date of deployment;

ii. Leave can be used for a period of seven calendar days beginning on the date the military member is notified.

(b) Military events and related activities, including official ceremonies, programs, or events sponsored by the military and related to the covered active duty or call to covered active duty status of the military member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross.

(c) Childcare and school activities including arranging for alternative childcare; providing childcare on an urgent, immediate need basis (not routine, regular, or everyday basis); to enroll in or transfer to a new school or day care facility; or to attend meetings with staff at a school or day care facility:



i. The son or daughter must be the son or daughter of the covered servicemember.

(d) Financial and legal arrangements made to address the military member's absence while on covered active duty or call to covered active duty status.

(e) Counseling, provided by someone other than a health care provider for oneself, for the military member, or qualified child, if the need arises from the covered active duty or call to covered active duty status of the military member.

(f) Rest and Recuperation (R&R) to spend time with the military member on short-term, temporary R&R leave during a term of deployment:

i. Can be used for a period of fifteen calendar days beginning on the date the military member commences each instance of R&R leave.

(g) Post-deployment activities such as ceremonies or briefings including any that arise from the death of the military member while on covered active duty.

(h) Parental care for one meeting the definition of a "parent" and incapable of self care including: arranging alternative care; providing care on an immediate need basis; and to attend meetings or arrange services at a care facility.

(i) Additional activities in accordance with 29 CFR §825.126(b)(9).

h. Military caregiver leave provides care for a covered servicemember with a serious injury or illness 29 CFR §§825.122 and 127:

(1) The school must grant up to a total of twenty-six workweeks of unpaid, job-protected leave during a "single twelve-month period" to care for a covered servicemember with a serious injury or illness.



(a) The eligible staff member must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

(b) The staff member is limited to a combined total of twenty-six workweeks for any FMLA-qualifying reasons during the single twelve-month period. Up to twelve of the twenty-six weeks may be for an FMLA-qualifying reason other than military caregiver leave.

(c) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of twenty-six workweeks of leave during a single twelve-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full twenty-six workweeks of FMLA leave.

(2) Leave entitlement is applied on a per-covered-servicemember, per-injury basis.

(a) The staff member may take an additional twenty-six weeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than twenty-six weeks of leave may be taken within any single twelve-month period.

(b) An eligible staff member may take military caregiver leave to care for more than one current service member or covered veteran at the same time or for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.

(c) Military caregiver leave may be taken by eligible staff members whose family members are recent veterans with serious injuries or illnesses incurred or aggravated in the line of duty on active duty, and that manifested before or after the veteran left active duty.

2. New Jersey Family Leave Act (NJFLA)

A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program. The school shall not require a staff member to take a leave of absence beyond the period of time the staff member requests family leave. N.J.A.C. 13:14-1.5(f)

a. In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary. The total time within which the leave is taken, can not exceed a twelve-month period for each serious health condition episode. The staff member will provide the school with prior notice of the leave in a manner which is reasonable and practicable; and the staff member shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the school.

b. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the school. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule for a period not exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without an agreement between the staff member and the school if the leave is taken for the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the school prior notice of the care, medical treatment or continuing supervision by a health care provider necessary



due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

c. The fact that a holiday may occur within the week taken by a staff member as family leave has no effect and the week is counted as a week of family leave. However, if the staff member is out on family leave and the school is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

F. Notice

1. Federal Family and Medical Leave Act (FMLA)

a. Foreseeable Leave - A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the Human Resources Manager if the need for the leave is foreseeable based on an expected birth, placement for adoption of foster care, or planned medical treatment for a serious health condition of the staff member or a family member. If thirty days is not practical, the staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice "as soon as practical" ordinarily would mean at least verbal notification to the Human Resources Manager within one or two business days or when the need for leave becomes known to the staff member. The written notice shall include the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the staff member must consult with the Human Resources Manager and make a reasonable effort to schedule the leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider. Staff members are ordinarily expected to consult with the Human Resources Manager prior to scheduling of treatment that would require leave for a schedule that best suits the needs of the school and the staff member.

The school may delay the staff member taking leave for at least thirty days if the staff member fails to give thirty days notice for foreseeable leave with no reasonable excuse for the delay.

b. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the Human Resources Manager for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the Human Resources Manager within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.

2. New Jersey Family Leave Act (NJFLA)

a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the Human Resources Manager of the need to take family leave except where the need to take family leave is not foreseeable.

(1) Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.

(2) Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.



(3) When the Human Resources Manager is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.

b. Unforeseeable Leave - When the need for leave is not foreseeable, the staff member must provide notice "as soon as practicable" which shall be at least verbal notice to the Human Resources Manager within one or two business days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Human Resources Manager, but any verbal notice must be followed by written notice delivered within two working days.

G. Leave Designation

An eligible staff member shall designate FMLA or NJFLA leave upon providing notice of the need for the leave or when the need for leave commences. The Human Resources Manager shall provide the staff member with this Policy to assist the staff member in determining the type of leave.

H. Benefits

Whether a staff member is required to use sick time or any other accrued leave time concurrent with FMLA or NJFLA leave time will depend upon either the school's practice or a provision in the school's collective bargaining agreement, if applicable. 29 CFR §825.100

The Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued to work instead of taking the leave. If the staff member was paying all or part of the premium payments prior to the leave, the staff member would continue to pay his/her share during the leave time. Any instructional employee who is on leave under NJFLA or FMLA at the end of the school year will be provided with any benefits over the summer that the staff member would normally receive if they had been working at the end of the school year.

I. Returning from Leave

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act

A staff member returning from leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the school experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under any collective bargaining agreement, the staff member shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes, and laws. The staff member's seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward seniority for the period of the leave, except as may be provided by law.

The return of a staff member prior to the expiration of the requested family leave may be permitted by the Board if the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract.

The Board may, in accordance with the provisions of 29 CFR §825.312 delay restoration of employment of a staff member using FMLA leave for the staff member's serious health condition until the staff member submits a fitness-for-duty examination from his/her health care provider indicating that the staff member is able to resume work. In the event the Board requires such a fitness-for-duty examination before restoration of the staff member after leave, the Board will provide the staff member specific notice either at the time the staff member gives notice of the need for leave or immediately after the leave commences and the staff member advises the Board of the medical circumstances for the leave.

If leave is taken under FMLA, and the staff member does not return to work after the leave expires, the Board is entitled to recover health insurance costs paid while the staff member was on FMLA. The Board's right to recover premiums would not apply if the staff member fails to return to work due to:

1. The continuation, onset or recurrence of a serious health condition of the staff member; or

2. Circumstances beyond the staff member's control.

J. Ineligible Staff Members

1. Federal Family and Medical Leave Act (FMLA)

The school may deny job restoration after FMLA leave if the staff member is a "key employee" as defined in 29 CFR §825.217 if such denial is necessary to prevent substantial and grievous economic injury to the school or the school may delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member's own serious health condition. A "key employee" is a salaried, staff member who is among the highest paid ten percent of the school staff employed by the school within 75 miles of the worksite. No more than ten percent of the school staff within 75 miles of the worksite may be "key employees."

In the event the Human Resources Manager believes that reinstatement may be denied to a key employee, the Human Resources Manager must give written notice to the staff member at the time the staff member gives notice of the need for leave, or when the need for leave commences, if earlier, that he/she qualifies as a key employee. The key employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the school should determine that substantial and grievous economic injury to the school's operations will result if the staff member is reinstated from leave. The school's notice must explain the basis for the school's finding that substantial and grievous economic injury will result, and if leave has commenced, must provide the staff member a reasonable time in which to return to work. If the staff member on leave does not return to work in response to the notice of intent to deny restoration, the staff member continues to be entitled to maintenance of health insurance.

A key employee's rights under the FMLA continue unless and until the staff member either gives notice that he/she no longer wishes to return to work or the school actually denies reinstatement at the conclusion of the leave period. A staff member is still entitled to request reinstatement at the end of the leave period even if the staff member did not return to work in response to the school's notice. The school will then again determine whether there will be substantial and grievous economic injury from reinstatement based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the school will notify the staff member in writing (in person or by certified mail) of the denial of the restoration.



2. New Jersey Family Leave Act

The school may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school staff or one of the seven highest paid employees of the school, whichever is greater, if the denial is necessary to prevent substantial and grievous economic injury to the school's operations. The Human Resources Manager shall notify the staff member of the intent to deny the leave at the time the Human Resources Manager determines the denial is necessary. If the leave has already commenced at the time of the school's notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.

K. Verification of Leave

1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member's FMLA leave to care for the staff member's seriously ill spouse, son, daughter, or parent; or for a servicemember's qualifying exigency or serious injury; or for illness due to the staff member's own serious health condition, that makes the staff member unable to perform one or more of the essential functions of the staff member's position, be supported by a certification issued by the health care provider of the staff member or the staff member's ill family member. The medical certification required encompasses both physical and psychological care and includes situations where a family member is unable to care for his/her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself/herself to the doctor. It can also include providing psychological comfort and reassurance beneficial to a child, spouse, or parent with a serious health condition who is receiving inpatient or home care and can include situations where the staff member may be needed to substitute for others who normally care for the family member or covered servicemember or to make arrangements for changes in care. The staff member need not be the only individual or family member available to care for the family member or covered servicemember. 29 CFR §825.124

The certification must meet the requirements of 29 CFR §§825.306, 309, and 310 to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if additional treatments will be

required for the condition; and/or if the patient's incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

In the event the Human Resources Manager doubts the validity of the certification, in accordance with 29 CFR §825.307, the school may require, at the school's expense, the staff member obtain an opinion regarding the serious health condition from a second health care provider designated by the school, but not employed on a regular basis by the school. If the second opinion differs from the staff member's health care provider, the school may require, at the school's expense, the staff member obtain the opinion of a third health care provider designated by the school or approved jointly, in good faith, by the school and the staff member. The opinion of the third health care provider shall be final and binding on the school and the staff member.

The school may require re-certification pursuant to the requirements of 29 CFR §825.308. In accordance with 29 CFR §825.309, the staff member on leave must provide a written report to the Human Resources Manager every thirty workdays. The report shall include the staff member's status and intended date to return to work. In the event the staff member's circumstances change, the staff member must provide reasonable notice to the Human Resources Manager if the staff member intends to return to work on a date sooner than previously noticed to the school. The staff member is not required to take more leave than necessary to resolve the circumstance that precipitated the need for leave. As a condition of returning to work after the leave for the staff member's own serious health condition, and in accordance with 29 CFR §825.310, the school requires a staff member to provide a certification from their health care provider that the staff member is able to resume work.

In accordance with 29 CFR §825.311, the school may delay the taking of FMLA leave to a staff member who fails to provide certification within fifteen days after being requested to do so by the school. In accordance with 29 CFR §825.312, the school may delay the taking of leave until thirty days after the date the staff member provides notice to the school of foreseeable leave or the school may delay continuation of leave if a staff member fails to provide a requested medical certification in a timely manner.



2. New Jersey Family Leave Act

The Board shall require the certification of a duly licensed health care provider verifying the purpose of requested NJFLA leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.

In the event the Human Resources Manager doubts the validity of the certification for the serious health condition of a family member of the staff member, the school may require, at the school's expense, the staff member to obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the school. If the second opinion differs from the certification the school may require, at the school's expense, that the staff member obtain the opinion of a third health care provider designated or approved jointly by the school and the staff member concerning the serious health condition. The opinion of the third health care provider shall be final and binding on the school and the staff member.

L. Interference with Family Leave Rights

The Federal Family and Medical Leave Act and the New Jersey Family Leave Act prohibit interference with a staff member's rights under the law, and with legal proceedings or inquiries relating to a staff member's rights. Unless permitted by the law, no staff member shall be required to take family leave or to extend family leave beyond the time requested. A staff member shall not be discriminated against for having exercised his/her rights under the Federal Family and Medical Leave Act or the New Jersey Family Leave Act nor discouraged from the use of family leave.

M. Record Keeping

In order that staff member's entitlement to FMLA leave and NJFLA leave can be properly determined, the Executive Director shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave. The Executive Director will publish a notice explaining the Act's provisions and provide information concerning the procedures for filing complaints of violations of the FMLA and NJFLA.

N. Processing of Complaints

1. Federal Family and Medical Leave Act (FMLA) 29 CFR §§825.400-401

   a. If there is a dispute between the school and a staff member as to whether leave qualifies as FMLA leave, it should be resolved through discussion between the staff member and the school. Such discussions and the decision shall be documented by the school.

   b. The staff member also may file, or have another person file on his/her behalf, a complaint with the United States Secretary of Labor. A complaint may be filed in person, by mail, or by telephone with the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, at any local office of the Wage and Hour Division.

2. New Jersey Family Leave Act N.J.A.C. 13:14-1.16

   a. Any complaint alleging a violation of the Act shall be processed in the same manner as a complaint filed under the terms of N.J.S.A. 10:5-1 et seq. and N.J.A.C. 13:4 through the New Jersey Department of Law and Public Safety, Division on Civil Rights.

Implementation of FMLA and NJFLA will be consistent with provisions in collective bargaining agreement(s) in the school.

29 CFR §825 et seq.
29 CFR §785
N.J.S.A. 10:5-1
N.J.A.C. 13:14-1 et seq.

Adopted: 24 October 2019



3431.3 NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

Board of Trustees employees are eligible to apply for benefits under New Jersey's Family Leave Insurance Program administered by the State of New Jersey – Department of Labor and Workforce Development. New Jersey's Family Leave Insurance Program (NJFLI) may provide up to six weeks of family leave insurance benefits payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan.

A benefit provided through the NJFLI will be for the employee to bond with a child during the first twelve months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual is a biological parent of the child, or the first twelve months after the placement of the child for adoption with the covered individual. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI must provide the Executive Director written notice thirty calendar days prior to beginning the leave. Failure to provide this thirty-day notice may result in a reduction in the employee's maximum family leave insurance benefits. Intermittent leave to bond with a newborn or newly adopted child must be agreed to by the Executive Director and the employee and, if agreed to, must be taken in periods of seven days or more.

A benefit provided through the NJFLI will also be to care for a family member with a serious health condition supported by a certification provided by a health care provider. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI for consecutive leave must provide the school reasonable and practical notice unless the time of the leave is unexpected or the time of the leave changes for unforeseen reasons. An employee who intends to apply for benefits under this provision of the NJFLI for intermittent leave must provide the school with a written notice at least fifteen calendar days prior to beginning the leave.

For the purposes of this Policy, "family member" means a child, spouse, domestic partner, civil union partner, or parent of a covered individual. "Child" means a biological, adopted, or foster child, stepchild, or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than nineteen years of age or is nineteen years of age or older but incapable of self-care because of mental or physical impairment.

All applications for benefits under the NJFLI must be filed directly with the State of New Jersey – Department of Labor and Workforce Development. The eligibility requirements, wage requirements, benefit duration and amounts, and benefit limitations shall be in accordance with the provisions of the NJFLI as administered by the State of New Jersey – Department of Labor and Workforce Development. A formal appeal may be submitted to the State of New Jersey – Department of Labor and Workforce Development if an employee or the Board disagrees with a determination on a claim.

The NJFLI provides eligible individuals a monetary benefit and not a leave benefit. The school administrative and related staff will comply with the State of New Jersey - Department of Labor and Workforce Development requests for information in accordance with the provisions of N.J.A.C. 12:21-3.9.

The Board may elect to provide employees with Family Leave Insurance benefits coverage under a private plan which must be approved by the State of New Jersey – Department of Labor and Workforce Development.

A printed notification of covered individuals' rights relative to the receipt of benefits under the NJFLI will be posted in each of the school worksites and in a place or places accessible to all employees at the worksite. Each employee shall receive a copy of this notification in writing at the time of the employee's hiring, whenever the employee provides written notice to the Executive Director of their intention to apply for benefits under the NJFLI, or at any time upon the first request of the employee. The written notification may be transmitted to the employee in electronic form.

N.J.S.A. 43:21-25 et seq.
N.J.A.C. 12:21-1.1 et seq.

Adopted: 24 October 2019

3432 SICK LEAVE

The Board of Trustees shall grant sick leave to teaching staff members absent from work because of personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days as provided in the employee handbook or as provided for in an individual contract with the Board.

The Board reserves the right to require of any employee who claims sick leave, sufficient proof, including a physician's certification, of the employee's illness or disability. As a minimum, no day will be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, has participated in a work stoppage, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

The Executive Director will prepare rules for the administration of the Board's policy on sick leave, which shall be binding on all employees.

The Executive Director will submit to the Board the names of those employees absent for non-compensable cause or whose claim for sick leave pay cannot be justified. The willful misuse of sick leave will be considered a serious infraction and is subject to discipline.

Adopted: 24 October 2019

3433 VACATIONS

The Board of Trustees shall provide staff members with vacation time in accordance with the terms outlined in the employee handbook or as provided for in an individual contract with the Board.

Adopted: 24 October 2019

3435 ANTICIPATED DISABILITY

The Board of Trustees shall provide for leaves of absence, in accordance with law and the policies of this Board, for any employee of this school not covered by the terms of a negotiated agreement whose absence from duties will be required for a foreseeable event of disability such as childbirth or surgery.

An employee who anticipates disability shall so notify the Executive Director as soon as the employee is under medical supervision for the condition and a date is projected for the anticipated disability. Because of the potentially disabling nature of pregnancy and the certainty of temporary disability at birth, the Board will presume that a pregnant employee is disabled for work thirty days before the anticipated date of childbirth and continues to be disabled for thirty days after birth, except that any such employee who presents medical certification of her fitness may continue to work until she is actually disabled and may return to work as soon as she is able.

The Board reserves the right to require an employee who requests an extended leave of absence that includes anticipated disability to commence and/or terminate the leave at times that ensure continuity in the educational program in accordance with Board Policy. No person who is required to take leave at a time other than that requested will be denied the use of sick leave for the anticipated disability that occurs or is presumed to occur during the leave.

An employee who anticipates a disability may request a leave of absence to commence before disability and to extend beyond the period of disability. Any such request shall be subject to Board discretion and the Board's policy on leave of absence. An employee on voluntary leave of absence is not eligible for sick leave pay for disability occurring during the period of that absence.

Adopted: 24 October 2019

3436 PERSONAL LEAVE

The Board of Trustees will provide compensated absence for reasons of personal necessity for staff members as outlined in the employee handbook or as provided for in an individual contract with the Board.

Paid Personal/Emergency Time Off

All ten-month exempt employees will receive three personal/emergency days during the ten-month calendar school year. All eleven-month exempt employees will receive four personal/emergency days during the eleven-month calendar school year. All twelve-month exempt employees will receive five personal/emergency days during the twelve-month year of employment.

Staff can carry up to seventy-five sick and personal days combined. Sick and personal days do not have monetary value.

Bereavement Leave

If a staff member should suffer a death in their immediate family, the staff member will be permitted to take a period of paid leave, not to exceed three days. For purposes of this Policy, "immediate family" is defined as spouse, child, parent, grandparent, grandchild, civil union partner, sibling, or in-law. If the death of an immediate family member requires travel to a distant location, an extra day of paid leave may be granted. Paid bereavement leave for the death of another relative shall not exceed one working day.

A paid absence for bereavement must be requested in writing and approved by the Executive Director.

Paid Vacation and Personal Time Off Twelve-Month Exempt Employees

Essex Valley School provides a paid vacation program for its twelve-month exempt employees. The vacation plan is based on the employee's length of continuous service with the school. Vacations will be scheduled consistent with the needs of the school as determined by the Executive Director. Employees should submit requests for vacation on the vacation request form available from the Executive Director or the Business Office.



An employee is eligible to take vacation as it is accrued. First year employees shall accrue one day of vacation time for every month worked and days can be prorated upon start date. All other twelve-month employees shall earn twenty vacation days annually. Vacations will be approved by the Executive Director in accordance with the needs of the school.

Employees are permitted to carry over accrued but unused vacation days to the following year. In addition, employees who resign employment with thirty days' notice or who are terminated will be paid their accrued but unused vacation time upon termination.

Adopted: 24 October 2019

3437P MILITARY LEAVE – APSSD

The Board of Trustees recognizes that military service rendered by any Approved Private School for Students with Disabilities (APSSD) employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. A permanent or full-time temporary officer and/or employee of the APSSD will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq.

Federal law prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve.

The term "Uniformed Services" means the Armed Forces, the Army National Guard, and the Air National Guard when engaged in active duty for training, inactive duty training, or full time National Guard duty, the commissioned corps of the Public Health Service, System members of the National Urban Search and Rescue Response System during a period of Federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and any other category of persons designated by the President in time of war or national emergency.

An APSSD must reemploy an employee returning from a period of service in the uniformed services if the employee meets the following five criteria:

1. The employee must have been absent from the APSSD on account of service in the uniformed services;

2. The employee must have given advance notice to the APSSD that he or she was leaving the job for service in the uniformed services, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;

3. The cumulative period of military service with the APSSD must not have exceeded five years;

4. The employee must not have been released from service under dishonorable or other punitive conditions; and

5. The employee must have reported back to the APSSD in a timely manner or have submitted a timely application for reemployment, unless timely reporting back or application was impossible or unreasonable.

The APSSD is not required to reemploy an employee if:

1. The APSSD's circumstances have so changed as to make such reemployment impossible or unreasonable; if the entitled employee has suffered a disability during the period of service and after the APSSD makes reasonable accommodations is still unable to perform the job, and no other equivalent job is available that can be performed despite the disability and also if the employee is no longer qualified for any reason and cannot become qualified with reasonable efforts from the APSSD;

2. The APSSD is also not required to reemploy an employee if such employment would impose an undue hardship on the APSSD; or

3. The APSSD is not required to reemploy an employee if the employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

The APSSD shall have the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

The APSSD is required to provide to employees entitled to the rights and benefits under the Federal law a notice of the rights, benefits, and obligations of such employees and the APSSD under Federal law.

The school will provide benefits and rights for staff on military leave as required by Federal law.

Uniformed Services Employment and Reemployment Rights Act
(USERRA), 38 U.S.C. Section 4301 et seq.

Adopted: 24 October 2019

3439 JURY DUTY

An employee summoned to jury duty shall promptly report the summons to his/her immediate supervisor.

On return from jury duty, the employee must submit to his/her immediate supervisor a court record of the number of days served on jury duty.

While on jury duty, an employee must report daily to his/her supervisor the schedule for the following day and must report to work when he/she is excused from jury duty for half a day or more or suffer loss of pay.

N.J.S.A. 2B:20-1 et seq.; 2B:20-10; 2B:20-16

Adopted: 24 October 2019

4000 SUPPORT STAFF MEMBERS

Number	Title
4111	Creating Positions
4124	Employment Contract
4125	Employment of Support Staff Members (M)
4130	Assignment and Transfer
4140	Termination
4145	Layoffs
4150	Discipline
4159	Support Staff Member/School Reporting Responsibilities
4160	Physical Examination (M)
4161	Examination for Cause
4211	Code of Ethics
4211.3	Consulting Outside the School
4212	Attendance
4214	Conflict of Interest
4216	Dress and Grooming
4218	Substance Abuse (M)
4219P	Commercial Driver's License Controlled Substance and Alcohol Use Testing – APSSD (M)
4220	Employee Evaluation
4230	Outside Activities
4233	Political Activities
4240	Employee Training
4281	Inappropriate Staff Conduct
4282	Use of Social Networking Sites
4283	Electronic Communications Between Support Staff Members and Students (M)
4321	Acceptable Use of Computer Network(s)/Computers and Resources by Support Staff Members
4322	Staff Member's Use of Personal Cellular Telephones/Other Communication Devices
4324	Right of Privacy
4340	Grievance
4351	Healthy Workplace Environment
4352	Sexual Harassment (M)
4381	Protection Against Retaliation
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Number	Title
4420	Benefits
4425	Work Related Disability Pay
4425.1	Modified Duty Early Return to Work Program – Support Staff Members
4431.1	Family Leave (M)
4431.3	New Jersey's Family Leave Insurance Program
4432	Sick Leave
4433	Vacations
4434	Holidays
4435	Anticipated Disability
4436	Personal Leave
4437P	Military Leave – APSSD
4438	Jury Duty

4111 CREATING POSITIONS

The Board of Trustees recognizes its authority to establish support staff positions that, when filled by qualified employees, will assist the school in the achievement of educational goals set by the Board.

The Board will create new positions as required, approve a job title appropriate to the position, and determine the number of persons required to staff adequately each such position.

The Executive Director shall recommend to the Board such new positions or additional staffing in existing positions as may be required by student enrollments and the operational needs of the school.

Adopted: 24 October 2019

4124 EMPLOYMENT CONTRACT

The Board of Trustees requires every support staff member annually sign an employment agreement for a term of not more than one year.

The employment contract shall include the specific title of the position to which the support staff member is appointed; the term for which employment is contracted, including beginning and ending dates; a full description of the certification held by the support staff member and the date, if any, on which certification will expire; the salary at which the support staff member will be employed; the intervals at which the salary will be paid; and a provision for the termination of the contract with thirty days notice with cause and immediately without cause.

Adopted: 24 October 2019

4125 EMPLOYMENT OF SUPPORT STAFF MEMBERS

The Board of Trustees believes it is vital to the successful operation of the school that support staff member positions be filled with highly qualified and competent professionals.

The Executive Director shall appoint, transfer, remove, or renew a certificated or non-certificated officer or employee only upon the recommendation of the Executive Director and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. The Board shall approve the employment, fix the compensation, and establish the term of employment for every support staff member employed by this school.

The Board of Trustees shall not employ for pay or contract for the paid services of any support staff member or any other person serving in a position which involves regular contact with students unless the Board has first determined consistent with the requirements and standards of N.J.S.A. 18A:6-7.1 et seq. that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

An individual employed by the Board or a school bus contractor holding a contract with the Board, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements as outlined in N.J.S.A. 18A:39-19.1.

The Board will employ paraprofessional school aides and/or classroom aides to assist in the supervision of student activities under the direction of a Principal, teacher, or other designated certified professional personnel. Aides will serve the needs of students by performing nonprofessional duties and may work only under the direct supervision of a teaching staff member(s).

An individual employed by the Board in any substitute capacity or position shall be required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1b.

An individual, except as provided in N.J.S.A. 18A:6-7.1g, shall be permanently disqualified from employment or service in the school if the criminal history record check reveals a record of conviction for any crime or offense as defined in N.J.S.A. 18A:6-7.1 et seq.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history record check if the Board or contracted service provider demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.lc. In the event the criminal history record check is not completed for an emergent hired employee within three months, the Board or contracted service provider may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.

No criminal history record check shall be performed unless the applicant shall have furnished written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check. The school will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history record check.

The Board of Trustees prohibits any relative of a Board member or the Executive Director from being employed in an office or position in the school in accordance with the provisions of N.J.A.C. 6A:23A-6.2 and Board Policy 0142.1 – Nepotism.

A support staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

Adopted: 24 October 2019

4130 ASSIGNMENT AND TRANSFER

The Executive Director reserves the right to assign and transfer support staff members to the positions for which they are qualified and in which their service will best serve the operation of the school.

The Executive Director is responsible for the assignment and transfer of support staff members, except that the Board of Trustees is responsible for the assignment of support staff members.

The Board will transfer support staff members only upon the recommendation of the Executive Director and by a recorded roll call majority vote of the full membership of the Board. The Board will not withhold its approval of the transfer for arbitrary and capricious reasons.

In considering any transfer, the Executive Director shall base the choice on the employee's success in former positions, the employee's attitude toward change, the employee's length of service in the school, the recommendation of the employee's supervisor, and the operational efficiency advanced by the proposed transfer.

Adopted: 24 October 2019

4140 TERMINATION

The Board of Trustees will enter a contract with each support staff member providing, in part, for the termination of employment as specified in the employment contract. The Executive Director may terminate the employment of an employee for incompetence, immorality, unfitness for service, insubordination, reduction in force, or other good cause. Any notification of termination for cause will include a full statement of the reasons for the dismissal.

An employee who offers insufficient notice of termination will be paid only through the last day of his/her service.

The Board may suspend an employee with or without pay and without notice when his/her continued services may be inimical to the interests of students.

Adopted: 24 October 2019

4145 LAYOFFS

The Board of Trustees shall provide the support staff necessary for the operation of the school in a manner that is efficient and economical.

The Board reserves the right to abolish support staff positions and reduce school staff commensurately whenever reasons of economy, reorganization of the school, reduction in the number of students, or other good cause so warrant. The Executive Director or designee shall continually review the efficiency and effectiveness of school organization and recommend to the Board the creation and abolishment of support staff positions and the reallocation of duties and positions.

When two or more employees are employed in the same classification of employment in which a position is abolished, the employee shall be reemployed who has demonstrated greater competence.

When, as the result of the abolishment of a position, an employee is demoted in position, the employee shall receive his/her current salary for the salary of the position to which he/she has been assigned.

Adopted: 24 October 2019

4150 DISCIPLINE

Essex Valley School has established standards of conduct, safety rules, and other policies to ensure the best and safest possible working conditions. These rules are designed and intended to protect all in the school.

Rules sometimes are broken. In most cases, the school believes that by applying progressive discipline, an employee's undesirable behavior can be corrected. Generally, the first step in the progressive discipline process will be counseling by an employee's supervisor. This step may be followed by a written warning, suspension with or without pay, and finally termination. In some instances the employee's conduct may show a complete lack of respect for rules requiring the school, at its option, to advance the level of discipline to the step it deems appropriate, up to and including immediate termination. Finally, in certain situations where, in the opinion of the school, an employee's misconduct is very serious, immediate termination may result. The school reserves the right to skip, advance, or repeat any level of discipline it deems appropriate. Further, the school reserves the right to terminate employees at any time without cause or notice and without prior discipline.

Adopted: 24 October 2019

4159 SUPPORT STAFF MEMBER/SCHOOL REPORTING RESPONSIBILITIES

All support staff members shall be required to report their arrest or indictment for any crime or offense to the Executive Director within fourteen calendar days of the arrest or indictment. For purposes of this policy, "support staff members" shall include all school employees who hold a position in the school for which no certificate issued by the New Jersey State Board of Examiners is required.

The report submitted to the Executive Director shall include the date of arrest or indictment and charge(s) lodged against the support staff member. Such support staff members shall also report to the Executive Director the disposition of any charges within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed "just cause" for disciplinary action, which may include termination or non-renewal of employment in accordance with law.

Teaching staff members are required to report their arrest or indictment for any crime or offense in accordance with Policy 3159.

The school shall make these reporting requirements known to all new support staff members upon initial employment and to all employees on an annual basis.

Adopted: 24 October 2019



4160 PHYSICAL EXAMINATION

The Board of Trustees requires each candidate for employment who receives a conditional offer of employment to undergo a physical examination(s) to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA).

If upon completing an examination(s) it is determined a candidate for employment who received a conditional offer of employment is unable to perform with reasonable accommodation job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Executive Director, if the Board has not yet approved the appointment, or by the Board, if the Board had approved the appointment at a Board meeting.

The physical examination shall include, but is not limited to, a health history to include past serious illnesses and injuries; current health problems; allergies; and a record of immunizations. The physical examination shall also include a health screening to include, but not limited to: height and weight; blood pressure; pulse and respiratory rate; vision screening; and hearing screening.

Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of physical examinations required by this Policy performed by a physician or institution designated by the Board. However, the candidate shall bear the cost if the examination is performed by a physician or institution designated by the candidate with approval of the Board. In the event the Board approves the physician or institution designated by the candidate to complete an examination required by this Policy, the candidate will be provided with the detailed requirements of the examination.

School employee physicals, examinations, and/or annual medical updates do not require screening or disclosure of HIV status.

A Mantoux tuberculosis test shall be given to all student teachers who have contact with students.

All staff members' medical and health records, including computerized records, will be secured, stored, and maintained separately from other personnel files. The information contained in medical records will be kept confidential. Only the staff member, the Executive Director, and the school medical inspector shall have access to medical information regarding an individual employee. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5. The staff member may provide health-status information, including medications that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the staff member may also choose to share with the staff member's Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

Additional individual psychiatric or physical examinations of any staff member may be required by the Board whenever, in the judgment of the Board, a staff member shows evidence of deviation from normal physical or mental health. Any additional individual examinations will be pursuant to the requirements of N.J.A.C. 6A:32-6.3. Additional examinations and/or certifications may be required to verify fitness in accordance with Policy 4161 or disability in accordance with Policies 4425 and 4435.

42 U.S.C.A. 12101
N.J.S.A. 18A:16-2
N.J.A.C. 6A:32-6.1; 6A:32-6.2; 6A:32-6.3

Adopted: 24 October 2019

4161 EXAMINATION FOR CAUSE

The Board of Trustees may, in accordance with law, require the psychiatric or physical examination of any support staff member who shows evidence of deviation from normal physical or mental health.

The Executive Director shall recommend to the Board the examination of any support staff member whose physical or mental condition so departs from normal health as to adversely affect the performance of the member's duties. Any such recommendation must be accompanied by competent evidence. If the Board determines that deviation from normal health has been demonstrated, it may require that the member submit to a physical or mental examination.

A requirement for physical or mental examination shall be made known to the employee by written notice setting forth the nature of the examination required, the reasons for the requirement, and a statement offering the member the opportunity to appear before the Board to explain or refute those reasons, provided any such hearing is requested in writing within five working days of the receipt of the notice.

A support staff member who fails to request an appearance before the Board within the time permitted or, having appeared before the Board, fails to persuade the Board that he/she should not be required to submit to the required examination shall be ordered to submit to an appropriate examination by a physician or institution designated by the Board and at the Board's expense.

The support staff member may, at his/her option, submit names of physicians or institutions to the Board for consideration to complete the appropriate examination(s). The Board is not required to designate a physician or institution submitted for consideration by the support staff member, but the Board will not act unreasonably in withholding its approval of a physician or institution submitted by a support staff member. The cost of the examination will be borne by the Board if the Board designates a physician or institution from the names submitted from the support staff member.

If the support staff member's request is denied, or if the support staff member does not request the Board to consider a physician or institution, the staff member may elect to submit to an appropriate examination conducted by a physician or institution of the support staff member's own choosing and at his/her expense, provided the physician or institution so chosen is approved by the Board, and is authorized and directed by the member to report the results of the examination to the Board.

If the results of the examination show mental abnormality or communicable disease, the support staff member shall be placed on sick leave and compensated in accordance with his/her sick leave entitlement, if any, until proof of recovery, satisfactory to the Board, is furnished. No leave of absence granted under this policy shall exceed the term of the contract of a support staff member or a period of two years in the case of a support staff member.

A support staff member who refuses to submit to the examination required by the Board and has exhausted the hearing procedures established by law and this policy shall be subject to discipline, which may include the certification of charges to the Commissioner of Education.

Adopted: 24 October 2019

4211 CODE OF ETHICS

In all segments of society, it is necessary to have certain rules and regulations. Work standards are necessary to make sure everyone has a common understanding of what is expected. This allows the school to consistently enforce a set of standards that creates a positive work environment. The work standard rules are not meant to restrict anyone's rights. Rather, they are designed to protect the rights and safety of all. Since the school cannot create a list that addresses all situations, the standards that follow are basically common sense rules. No conduct which is immoral, unsafe, unethical, or illegal will be tolerated.

All employees are expected to follow these rules. Violations will subject employees to discipline, up to and including termination.

The following are examples of some prohibited conduct:

1. Theft or attempted theft of any property belonging to the school or a fellow employee;

2. Fighting;

3. Falsification of school records, including time sheets, employment applications and benefit applications;

4. Failure to fully and truthfully disclose all facts related to workers' compensation and insurance claims;

5. Insubordination;

6. Immoral, indecent, or unlawful conduct;

7. Deliberate destruction of, or damage to, school property;

8. Careless waste of materials or mishandling of supplies or equipment;

9. Failure or refusal to comply with the school alcohol and drug policy;

10. Carrying or possessing a weapon of any kind on school property;

11. Gambling or soliciting gambling on school property;

12. Smoking in prohibited areas;
13. Defacing walls, bulletin boards, or other school property;
14. Horseplay or other disorderly conduct;
15. Violation of safety regulations;
16. Unauthorized disclosure, use, or theft of the school's confidential information;
17. Use of abusive or threatening language;
18. Excessive lateness or absenteeism;
19. Failure to report an absence;
20. Signing or marking another employee's time sheet;
21. Creating hazardous or unsafe conditions;
22. Repeated failure to complete job assignments;
23. Repeated failure to produce quality work;
24. Other unsatisfactory performance;
25. Surreptitiously recording a workplace conversation;
26. Violation of any school policy; and
27. Any other conduct not in the best interests of the school.

Adopted: 24 October 2019

4211.3 CONSULTING OUTSIDE THE SCHOOL

The Board of Trustees recognizes that support staff members will have expertise and knowledge in areas that other school districts, agencies, and other entities may desire. Recognizing that the school will request the expertise from support staff members from other school districts, agencies and other entities, the Board supports sharing of its support staff members with other school districts, agencies, and other entities to the extent it does not interfere with the efficient operation of the school.

The Executive Director may recommend to the Board a support staff member's attendance in another school district, agency or other entity without additional remuneration to the support staff member or school, upon a written request from the agency or from the support staff member.

The Board of Trustees recognizes support staff members will have expertise and knowledge in areas that other school districts, public and private agencies, and private business organizations may desire to compensate as a paid consultant. When a support staff member serves as a paid consultant, the support staff member is not permitted to use normal work hours for any paid consulting activities. The support staff member must complete any paid consulting activities on their own time to include vacation days, evenings, weekends, and/or school holidays.

Adopted: 24 October 2019

4212 ATTENDANCE

The regular and prompt attendance of support staff members is an essential element in the efficient operation of the school and the effective conduct of the educational program. Staff member absenteeism disrupts the educational program and the Board of Trustees considers attendance an important component of a staff member's job performance.

A support staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences may be subject to appropriate consequences, which may include the withholding of a salary increment, dismissal, and/or certification of charges.

Sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the support staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household. No support staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for in the collective bargaining agreement negotiated with the member's majority representative, in an individual employment contract, or provided in the policies of the Board. In accordance with N.J.S.A. 18A:30-4, the Executive Director or Board of Trustees may require a physician's certificate to be filed with the Secretary of the Board in order to obtain sick leave.

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

Staff members should be at their work place and ready to work fifteen minutes prior to their stating time in order to give themselves enough time to make preparations to begin work at their starting time.

If a staff member fails to notify the school of their absence for two consecutive days, it will be considered to be a voluntary termination of employment with the school.

Adopted: 24 October 2019

4214 CONFLICT OF INTEREST

No support staff member of the Board of Trustees shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of the support staff member's duties.

No support staff member shall use or attempt to use his/her position to secure unwarranted privileges or advantages.

No support staff member of the Board shall act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest.

No support staff member of the Board shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the support staff member in the discharge of his/her duties.

The Board of Trustees discourages the presentation of gifts to support staff members by students and their parents, because it may embarrass students with limited means and give the appearance of currying favor.

The Board directs that support staff members instruct students to express their appreciation by means other than gifts.

Support staff members may receive gifts of only nominal value from students or their parents.

The Executive Director may approve an act or gift of appreciation to an individual support staff member when special circumstances warrant.

Adopted: 24 October 2019

4216 DRESS AND GROOMING

Essex Valley School is a professional organization and works with students, families, school districts, and State agencies. As such, Essex Valley School expects its employees to dress in appropriate attire and conduct themselves appropriately.

Teachers' assistants can wear jeans and sneakers five days a week. Teachers must dress professional Monday through Thursday and can dress casual on Fridays. The Executive Director may make adjustments in schedule if necessary.

Adopted: 24 October 2019

4218 SUBSTANCE ABUSE

The Board of Trustees recognizes a support staff member who reports to work under the influence of 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. 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" 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. Refusal of a support staff member to consent to the medical examination and substance test will be determined to be a positive result.

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. 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 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 drug paraphernalia shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member responsible at the time of the alleged violation. Either the Principal or the staff member shall notify the Executive Director 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 Executive Director 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 Executive Director 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 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.

42 CFR Part 2
N.J.A.C. 6A:16-6.3; 6A:32-6.3

Adopted: 24 October 2019

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

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

1. All time at the terminal, facility, other property, or on any public property, waiting to be dispatched, unless relieved from duty;

2. All time inspecting equipment as required by Federal law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle, at any time;

3. All time spent at the driving controls of a commercial motor vehicle in operation;

4. All time, other than driving time, in or upon the commercial motor vehicle except time spent resting in an area defined as a sleeping berth;

5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded and unloaded; and

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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

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

No employee at any work site will possess, manufacture, use, sell, or distribute any quantity of any controlled substance, lawful or unlawful, which in sufficient quantity could result in impaired performance, with the exception of substances administered by or under the instructions of a physician. No employee shall perform safety-sensitive functions within four hours after using alcohol and the employee will not be permitted to perform such functions if the employee used alcohol within four hours if the school 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 school 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.

"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 school 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 school'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 school, who provides services specified under 49 CFR 40 to the school.

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

"Work Site" means any motor vehicle, office, building, yard, or other location at which the driver is to perform work or any other school property or at any school 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 school vehicle shall, before beginning employment with the school, submit to a controlled substance screening in conjunction with any required physical examination as per Policy 4160. Such screening shall be conducted in accordance with the procedures set forth in this Policy and 49 CFR 40. No individual receiving a positive confirmed test result will be employed by the Board.

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

   a. The employee has participated in a controlled substances testing program that met the requirements of 49 CFR 382 et seq. within the previous thirty days; and

   b. The employee while participating in that program either:

      (1) Was tested for controlled substances within the past six months (from the date of application with the employer); or

      (2) Participated in the random controlled substances testing program for the previous twelve months (from the date of application with the employer.)

c. The DER must ensure that no prior employer, to the DER's knowledge, has records of a violation of a controlled substances testing program within the previous six months.

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

a. Name and address of the program;

b. Verification of the individual's participation;

c. Verification that the program conforms to Federal guidelines;

d. Verification the individual qualified under the law and did not refuse to be tested for controlled substances;

e. The date the individual was last tested for controlled substances; and

f. The results of any tests taken within the previous six months and any other violations.

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

a. Alcohol tests with a result of 0.04 or higher alcohol concentration;

b. Verified positive drug tests;

c. Refusals to be tested (including verified adulterated or substituted drug test results);

d. Other violations of DOT agency drug and alcohol testing regulations; and

e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If this information is not available from the previous employer, the DER must seek to obtain this information from the employee.

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

2. Random Testing

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

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

Employees shall only be randomly 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 school vehicle when such accident results in property damage or personal injury, may trigger a post-accident drug and alcohol test.

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

a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or

b. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

c. If the alcohol test is not administered within two hours following the accident, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the DER shall cease attempts to administer the alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

As soon as possible following an occurrence, the school 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.

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 Executive Director 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 with49 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 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 school 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 Executive Director the employee's employment be terminated depending on the circumstances.

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

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

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

Medical Review Officer (MRO) Notifications

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

Employer Notification

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

Split Specimen Tests

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

Designated Collection Facility

The Executive Director 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 Executive Director 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 school with appropriate documentation at a site designated and approved by the Executive Director. The presence of alcohol will be determined by an Alcohol Screening Device (ASD) or an Evidential Breath Testing Device administered by an individual certified in accordance with 49 CFR 40.211 and 49 CFR 40.213.

Refusal to Submit

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

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the DER, consistent with applicable DOT agency regulations, after being directed to do so by the DER;

2. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

3. Fails to provide a urine specimen for any drug test required by this Policy. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;



4. Fails to permit the observation or monitoring of providing a specimen. In the case of a directly observed or monitored collection in a drug test;

5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

6. Fails or declines to take an additional drug test the DER or collector has directed the employee to take;

7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that 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.7

If an employee refuses to participate in a part of the testing process, the collector or MRO, must terminate the portion of the testing process, document the refusal on the CCF (including in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. A referral physician (e.g., physician evaluating a "shy

bladder" condition or a claim of a legitimate medical explanation in a validity testing situation) must notify the MRO, who in turn will notify the DER. In addition, the collector must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF. The MRO must note the refusal by checking the "Refused to Test" box (Step 6) on Copy 2 of the CCF, and add the reason on the "Remarks" line. The MRO must then sign and date the CCF. When the employee refuses to take a non-DOT test or to sign a non-DOT form, the employee has not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

Record of Negative Screening

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

Prescription Drugs

All bus drivers shall notify the DER of the use of any prescription drugs. The Executive Director may require certification from the prescribing physician that the use of the prescription drug will not have an adverse affect 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.

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;

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;

c. Monthly statistical summaries of urinalysis; and

d. The employer's drug testing policy and procedures.

6. Required Period of Retention:

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

9. Employee Information Program

The school 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 work day the employee is required to be in compliance;

(4) Specific information concerning employee conduct that is prohibited;

(5) The circumstances under which an employee will be tested for alcohol and/or controlled substances;

(6) The procedures that will be used to test for the presence of alcohol and controlled substances;

(7) The requirement that an employee submit to alcohol and controlled substance tests;

(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test;

(9) The consequences for employees found to have violated the prohibitions of this Policy, including the immediate removal of the employee from safety-sensitive functions;

(10) The consequences for employees found to have an alcohol concentration level of 0.02 or greater but less than 0.04; and

(11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.

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

Adopted: 24 October 2019

4220 EMPLOYEE EVALUATION

The Board of Trustees recognizes the importance of employee evaluations in the reinforcement of performance strengths and the remediation of weaknesses.

The Executive Director shall develop a plan for the evaluation of non-certified staff members. Non-certified staff members shall include, but are not limited, all para-professionals, maintenance, and office workers. Employees shall be grouped into position classifications based upon similarities of duties, responsibilities, and qualifications. The evaluation process shall be similar for all employees in a single classification.

The evaluation process shall provide for the recognition and commendation of effective performance, the identification and remediation of performance deficiencies, and the recommendation of discipline or dismissal when an employee fails to improve his/her performance. Evaluation procedures shall provide that each employee is informed of the specific objectives of his/her position and the standards that will be used to assess the employee's performance against those objectives. Employees will be evaluated by the supervisor as designated by the Executive Director at least once every school year. Any records created in the evaluation process will become part of the employee's file and shall remain confidential.

Adopted: 24 October 2019

4230 OUTSIDE ACTIVITIES

The Board of Trustees recognizes that support staff members enjoy a private life outside their job responsibilities in the school. The Board believes that school employees exert a continuing influence away from the school. Accordingly, the Board reserves the right to determine if activities outside the support staff member's job responsibilities interfere with their performance and the discharge of the support staff member's responsibilities to this school.

All support staff members are advised to be governed in their activities outside the school by the following guidelines:

1. Support staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the Executive Director;

2. The Board does not endorse, support, or assume liability in any way for any support staff member of this school who conducts a private activity in which students or employees of this school participate;

3. Support staff members shall not send campaign literature home with students, or request, direct or have students distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election. No student shall be requested or directed by any support staff member to engage in any activity which tends to promote, favor, or oppose any such candidacy, bond issue, proposal, or public question; and

4. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by support staff members in the performance of their school duties reside with and may be claimed by the Board.

Adopted: 24 October 2019



4233 POLITICAL ACTIVITIES

The Board of Trustees recognizes and encourages the right of all citizens, including school employees, to engage in political activity. However, the Board prohibits the use of school premises and school time for partisan political purposes.

The Board establishes the following guidelines to govern all support staff members in their political activities:

1. An employee shall not engage in political activity on school premises unless permitted in accordance with Policy 7510 Use of School Facilities and/or applicable Federal and State laws;

2. An employee shall not post political circulars or petitions on school premises nor distribute such circulars or petitions to students nor solicit campaign funds or campaign workers on school premises;

3. An employee shall not display any material that would tend to promote any candidate for office on an election day in a school facility that is used as a polling place;

4. An employee shall not engage in any activity in the presence of students while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

The provisions of this policy do not apply to the conduct of employee representative elections.

Nothing in this Policy shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or student.

Adopted: 24 October 2019

4240 EMPLOYEE TRAINING

The Board of Trustees believes that continuing training and study is essential to the improvement of employee performance and the acquisition of technological skills. The Board encourages all employees to participate in appropriate training programs.

The Executive Director and school administration shall prepare rules for employee participation in programs of job skill improvement. The rules will include methods of reporting and verifying claims for participation in such activities.

The Board will reimburse employee requests for attendance at training programs provided participation has been approved in advance by the Executive Director or designee.

Adopted: 24 October 2019

4281 INAPPROPRIATE STAFF CONDUCT

The Board of Trustees recognizes its responsibility to protect the health, safety and welfare of all students within this school. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a student's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all students attending the school.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Trustees holds all school staff to the highest level of professional responsibility in their conduct with all students. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school.

The Board recognizes and appreciates the staff-student professional relationship that exists in a school's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward students.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to students or about students and shall not engage in inappropriate language or expression in the presence of students. School staff shall not engage in inappropriate conduct toward or with students. School staff shall not engage or seek to be in the presence of a student beyond the staff member's professional responsibilities. School staff shall not provide transportation to a student in their private vehicle or permit a student into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Principal/immediate supervisor and the parent.

Inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to students or for public display.

A school staff member is always expected to maintain a professional relationship with students and school staff members shall protect the health, safety and welfare of school students. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education, an arbitration process, and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.



School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Principal any possible violations of this Policy. In the event the report alleges conduct by the Principal or the immediate supervisor, the school staff member may report directly to the Executive Director. In addition, school personnel having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Principal or immediate supervisor after making such report. However, notice to the Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Principal will notify the Executive Director of all reports, including anonymous reports. The Assistant Director will investigate all reports with a final report to the Executive Director. The Assistant Director or the Executive Director may, at any time after receiving a report take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at any time upon request.

N.J.A.C. 6A:16-11.1

Adopted: 24 October 2019

4282 USE OF SOCIAL NETWORKING SITES

The Board of Trustees has a strong commitment to quality education and the well-being of all students, as well as the preservation of the school's reputation. The Board believes staff members must establish and maintain public trust and confidence and be committed to protecting all students attending the school. In support of the Board's strong commitment to the public's trust and confidence, the Board holds all staff members to the highest level of professional responsibility.

The Commissioner of Education has determined inappropriate conduct outside a staff member's professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board could be cause for dismissal of a staff member or to certify charges against a staff member to the Commissioner of Education.

Staff members are advised to be concerned and aware such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other form of electronic communication that is directed and/or available to students or for public display or publication.

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. It is important that a staff member's use of these sites does not damage the reputation of the school, employees, students, or their families. Staff members who utilize, post or publish images, photographs, or comments on social networking sites, blogs, or other forms of electronic communication outside their professional responsibilities shall ensure their use, postings, or publications are done with an appropriate level of professionalism and are appropriate conduct for a school staff member. Staff members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public even without their knowledge or consent.

The school strongly encourages all staff members to carefully review the privacy settings on social networking sites they use and exercise care and good judgment when posting content and information on such sites. Staff members should adhere to the following guidelines, which are consistent with the school's workplace standards on harassment, student relationships, conduct, professional communication, and confidentiality.

When using personal social networking sites, school staff members:

1. Should not make statements that would violate any of the school's policies, including its policies concerning discrimination or harassment;

2. Must uphold the school's value of respect for the individual and avoid making defamatory statements about the school, employees, students, or their families;

3. May not disclose any confidential information about the school or confidential information obtained during the course of his/her employment, about any individual(s) or organization, including students and/or their families;

4. Shall not use social networking sites to post any materials of a sexually graphic nature;

5. Shall not use social networking sites to post any materials which promote violence;

6. Shall not use social networking sites which would be detrimental to the mission and function of the school;

7. Are prohibited from using their school title as well as adding references to the school in any correspondence including, but not limited to, e-mails, postings, blogs, and social networking sites unless the communication is of an official nature and is serving the mission of the school. This prohibition also includes signature lines and personal e-mail accounts;

8. Shall not post updates to their status on any social networking sites during normal working hours including posting of statements or comments on the social networking sites of others during school time unless it involves a school project. Employees must seek approval from the Executive Director for such use; and

9. Shall not post or publish any information the Commissioner of Education would deem to be inappropriate conduct by a school staff member.

The Policy of this school is to maintain a level of professionalism both during and after the school day. Any publication through any means of electronic communication which is potentially adverse to the operation, morale, or efficiency of the school, will be deemed a violation of this Policy. If the Board or Executive Director believes that a staff member's activity on any social networking site violates the school's policies, the Board or Executive Director may request that the employee cease such activity. Depending on the severity of the incident, the staff member may be subject to disciplinary action.

This Policy has been developed and adopted by this Board to provide guidance and direction to staff members on how to avoid actual and/or the appearance of inappropriate conduct toward students and/or the community while using social networking sites.

Adopted: 24 October 2019

4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS

In accordance with the provisions of N.J.S.A. 18A:36-40, the school adopts this Policy to provide guidance and direction to support staff members to prevent improper electronic communications between support staff members and students. The school recognizes support staff members can be vulnerable in electronic communications with students.

The school prohibits all electronic communications between employees and students. However, based on a support staff member's professional responsibilities electronic communications between a support staff member and a student may be permitted with written approval of the Executive Director or designee. The approval is only for the school year in which the approval is granted. If the Executive Director or designee approves electronic communications between a support staff member and a student, the support staff member shall be required to comply with all the provisions of this Policy.

Improper electronic communications by school staff members may be determined to be inappropriate conduct. Violation of this Policy may lead to disciplinary action, up to and including termination of employment.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a support staff member's responsibilities assigned to the support staff member by the Executive Director.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a support staff member and any student of the school when:

1. The content of the communication is inappropriate as defined in this Policy; and/or

2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a support staff member and a student as defined in this Policy. Inappropriate content of an electronic communication between a support staff member, who has been approved by the Executive Director or designee to have electronic communications, and a student includes, but is not limited to:

a. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;

b. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;

c. Communications regarding the support staff members or student's past or current romantic relationships;

d. Communications which include the use of profanities, obscene language, lewd comments, or pornography;

e. Communications that are harassing, intimidating, or bullying;

f. Communications requesting or trying to establish a personal relationship with a student beyond the support staff member's professional responsibilities;

g. Communications related to personal or confidential information regarding another school staff member or student; and

h. Communications between the support staff member and a student that the Executive Director would determine to be inappropriate in determining the support staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a support staff member, who has been approved by the Executive Director or designee to have electronic communications, and a student shall be followed:

1. E-Mail Electronic Communications Between Employees and Students

a. All e-mails between a support staff member and a student must be sent or received through the school's e-mail system. The content of all e-mails between a support staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.



b. A support staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a support staff member's personal e-mail address, the staff member shall respond to the e-mail through the school e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the support staff member and the student.

c. A support staff member's school e-mail account is subject to review by authorized school officials. Therefore, a support staff member shall have no expectation of privacy on the school's e-mail system.

2. Cellular Telephone Electronic Communications Between a Support Staff Member and a Student

a. Communications between a support staff member and a student via a personal cellular telephone shall be prohibited. However, a support staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the support staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.

3. Text Messaging Electronic Communications Between Support Staff Members and Students

a. Text messaging communications between a support staff member and an individual student are prohibited. However, a support staff member may, with prior approval of the Executive Director or designee, text message students provided the need to text message is directly related to the support staff member's professional responsibilities regarding the student. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the activity approved by the Principal or designee.



4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Support Staff Members and a Student

   a. A support staff member is prohibited from communicating with any student through the support staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a support staff member and a student.

   b. A support staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a support staff member's personal social networking website or other Internet-based social media website shall not be responded to by the support staff member and shall be reported to the Executive Director or designee by the support staff member.

   c. If a support staff member has a student(s) as a "friend" on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.

   d. Communication between a support staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

Reporting Responsibilities

1. In the event a student sends an electronic communication to a support staff member who has not been approved by the Executive Director or designee to have electronic communications, the support staff member shall report the communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such electronic communications. Electronic communications by a support staff member or a student where such communications are not approved by the Executive Director or designee may result in appropriate disciplinary action.



2. In the event a student sends an improper electronic communication, as defined in this Policy, to a support staff member who has been approved by the Executive Director or designee to receive electronic communications, the support staff member shall report the improper electronic communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a support staff member or a student may result in appropriate disciplinary action.

A support staff member and student may be exempt from the provisions outlined in this Policy if a support staff member and student are relatives. The support staff member and the student's parent shall submit notification to the Principal of the student's school of their family relationship and their exemption from the provisions outlined in this Policy.

The provisions of this Policy shall be applicable at all times while the support staff member is employed in the school and at all times the student is enrolled in the school, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

Adopted: 24 October 2019

4321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY SUPPORT STAFF MEMBERS

The Board recognizes that as telecommunications and other new technologies shift the manner in which information is accessed, communicated and transferred that those changes will alter the nature of teaching and learning. Access to telecommunications will allow support staff members to explore databases, libraries, Internet sites, bulletin boards and the like while exchanging information with individuals throughout the world. The Board supports access by support staff members to information sources but reserves the right to limit in-school use to materials appropriate to educational purposes. The Board directs the Executive Director to effect training of support staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes that telecommunications will allow support staff members access to information sources that have not been pre-screened using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer network(s) and declares unethical, unacceptable, inappropriate or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, instituting legal action or taking any other appropriate action as deemed necessary.

The Board provides access to computer network(s)/computers for administrative and educational purposes only. The Board retains the right to restrict or terminate support staff members' access to the computer network(s)/computers at any time, for any reason. The Board retains the right to have the Executive Director or designee monitor network activity, in any form necessary, to maintain the integrity of the network(s) and ensure its proper use.

Standards for Use of Computer Network(s)

Any individual engaging in the following actions declared unethical, unacceptable or illegal when using computer network(s)/computers shall be subject to discipline or legal action:

A. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities which violate Federal, State, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.

B. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.

C. Using the computer network(s) in a manner that:

1. Intentionally disrupts network traffic or crashes the network;

2. Degrades or disrupts equipment or system performance;

3. Uses the computing resources of the school for commercial purposes, financial gain or fraud;

4. Steals data or other intellectual property;

5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;

6. Gains or seeks unauthorized access to resources or entities;

7. Forges electronic mail messages or uses an account owned by others;

8. Invades privacy of others;

9. Posts anonymous messages;

10. Possesses any data which is a violation of this policy; and/or

11. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Policy 4150, Discipline which includes but are not limited to:

1. Use of the network(s)/computers only under direct supervision;

2. Suspension of network privileges;

3. Revocation of network privileges;

4. Suspension of computer privileges;

5. Revocation of computer privileges;

6. Suspension;

7. Dismissal;

8. Legal action and prosecution by the authorities; and/or

9. Any appropriate action that may be deemed necessary as determined by the Executive Director and approved by the Board of Trustees.

Adopted: 24 October 2019

4322 STAFF MEMBER'S USE OF PERSONAL CELLULAR TELEPHONES/ OTHER COMMUNICTION DEVICES

The Board of Trustees recognizes a support staff member may need to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday. Electronic communications include, but are not limited to: voice conversations, text-messaging, accessing social networking or other internet sites, or any other type of electronic communication.

In the event the support staff member needs to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday, the support staff member may do so provided the communication is made during the support staff member's free lunch periods and is made outside the presence of students.

An electronic communication by a support staff member on a non-school related, personal matter using a personal cellular telephone or other personal communication device shall not be made while the support staff member is performing assigned school responsibilities.

In the event the support staff member has an emergency requiring immediate attention that requires such a communication while performing assigned school responsibilities, the support staff member shall inform their Principal or immediate supervisor before or immediately after the communication, depending on the nature of the emergency. The Board of Trustees is not responsible if a support staff member's personal cellular telephone or other communication device is lost, stolen, or missing.

Adopted: 24 October 2019

4324 RIGHT OF PRIVACY

The Board of Trustees will provide facilities and school-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or school-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school-owned property or may require the facility or school-owned property be shared with other staff members. The staff member may be provided a lock or key by the school or may secure the facility or school-owned property using their own locking device with permission from the Principal or designee, or immediate supervisor.

School staff members should be aware their expectation of privacy in these facilities and/or the school-owned property provided by the Board of Trustees is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school-owned property.

Adopted: 24 October 2019



4340 GRIEVANCE

The Board of Trustees shall develop and practice reasonable and effective means for the resolution of disputes that may arise in the employment of support staff members not covered by the terms of a negotiated agreement.

The Board directs that any grievance not provided for by negotiated agreement be resolved by submission to the following grievance procedure, which is designed to promote proper and equitable settlement of grievances at the lowest appropriate level and to facilitate an orderly process for the resolution of grievances.

For the purposes of this policy, "grievance" means an unresolved problem concerning the application or interpretation by an officer or employee of this school of law, regulations of the State Board of Education, the bylaws or policies of the Board, or the administrative regulations; "grievant" is a school employee who alleges a grievance or the employee's representative; "party" means the grievant or any person named in the grievance as allegedly having violated a law, bylaw, policy, or regulation; and "day" means a school day.

A grievant may use personal leave time when it becomes necessary to process a grievance during school hours. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible. There will be no reprisal of any kind taken against any employee or employee's representative for participation in a grievance.

Any alleged grievance should, at the first instance, be discussed in one or more private, informal conferences between the parties involved or between the grievant and his/her immediate supervisor. A grievance not resolved in one or more such private meetings may be processed in accordance with the following procedure.

Level One

Within three working days of the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing to the grievant's Principal or immediate supervisor. The written document will be a clear, concise statement of the grievance and will include the law, rule, policy, or regulation that the grievant alleges to have been violated; the factual circumstances on which the grievance is based; the person or persons involved; the decision, if any, rendered at the private conference; and the remedy sought.

Within seven working days the supervisor shall present a decision to the grievant in writing. If the Principal or immediate supervisor does not respond during the time permitted, the grievant may appeal to the next level.

Level Two

A grievant not satisfied with a decision at Level One may appeal that decision in writing to the Principal or immediate supervisor within three working days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal will include a copy of the original grievance; the decision rendered, if any; the name of the grievant's representative, if any; and a clear, concise statement of the reasons for the appeal of the decision.

The Principal or immediate supervisor shall present a decision to the grievant within seven working days. If no decision is rendered within that time limit, the grievant may appeal to the next level.

Level Three

A grievant not satisfied with the Executive Director's decision may appeal that decision in writing to the Board within three working days after the receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal to the Board will include copies of the original grievance, the appeal of that grievance at Level Two, and the decisions, if any.

The Board shall schedule the grievance for hearing to be held within forty-five calendar days of the presentation of the appeal. The grievant shall be present at the hearing.

Within ten calendar days of the hearing, the Board shall submit its decision in writing together with reasons that support the decision to the grievant. A copy of the decision shall be given to the Executive Director and to any other party to the grievance.

The decision of the Board shall be final.

Adopted: 24 October 2019

4351 HEALTHY WORKPLACE ENVIRONMENT

The Board of Trustees recognizes a healthy workplace environment enables school support staff members to fully contribute their expertise and skills to their school responsibilities. A healthy workplace environment can improve productivity, reduce absenteeism, and reduce staff turnover while having a positive impact on the school's programs provided to students in the school.

A significant characteristic of a healthy workplace environment is that employees interact with each other with dignity and respect regardless of an employee's work assignment or position in the school. Repeated malicious conduct of an employee or group of employees directed toward another employee or group of employees in the workplace that a reasonable person would find hostile or offensive is unacceptable and is not conducive to establishing or maintaining a healthy workplace environment. This unacceptable conduct may include, but is not limited to, repeated infliction of verbal abuse such as the use of derogatory remarks; insults; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance. A single act of such conduct shall not constitute the unacceptable conduct prohibited by this policy unless it is especially severe and egregious.

Unacceptable conduct, for the purposes of this policy, is not conduct toward an employee of a protected class or because of the employee's protected activity. These employees and activities are afforded the legal protections under various Federal and State anti-discrimination laws. In addition, unacceptable conduct for the purposes of this policy shall not be confused with conduct of management employees exercising management rights including, but not limited to, assigning tasks, reprimanding, assigning discipline, or directing.

Employees who believe the conduct prohibited by this policy has been directed toward them or to another employee of the school shall submit a written report to the Executive Director. The written report shall provide specific details supporting the claim including, but not limited to, the specific conduct; the names of witnesses (if any) who may have observed such conduct; dates or times when such conduct occurred; and any other information the person(s) making the report believes will be informative and helpful to an investigation of the allegations. Upon receipt of a report, the Executive Director or designee will conduct an investigation and upon completion of the investigation will inform the person(s) who made the report such an investigation was completed. The amount of investigation information shared with the person(s) making the report will be at the discretion of the Executive Director or designee and may vary depending on whether the conduct reported was directed to the person(s) making the report, confidential personnel matters, and/or other issues as determined by the Executive Director or designee.

If the investigation determines conduct prohibited by this policy has taken place, the Executive Director or designee will meet with the offender(s) and the victim(s) to review the investigation results and to implement remedial measures to ensure such conduct does not continue or reoccur. Appropriate disciplinary action may be taken depending on the severity of conduct.

There shall be no reprisals or retaliation against any person(s) who reports conduct prohibited by this policy.

Adopted: 24 October 2019

4352 SEXUAL HARASSMENT

The Board of Trustees recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school and intolerable in a workplace to which the children of this school are exposed.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee's gender. Whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct is severe and pervasive and has the purpose or effect of unreasonably altering or interfering with work performance or creating an intimidating, hostile, or offensive working environment, the employee shall have cause for complaint.

The sexual harassment of any employee of this school is strictly forbidden. Any employee or agent of this Board who is found to have sexually harassed an employee of this school will be subject to discipline, which may include termination of employment. Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor.

The Affirmative Action Officer shall instruct all employees of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.

Adopted: 24 October 2019

4381 PROTECTION AGAINST RETALIATION

The Board of Trustees will take no retaliatory action, by discharge, demotion, suspension, or any other adverse action, against an employee because that employee has conscientiously:

1. Disclosed or threatened to disclose to a supervisor or public body an activity, policy, or practice of this Board or any school officer that the employee reasonably believes to be in violation of law or rule;

2. Provided information to a public body conducting an investigation, hearing, or inquiry into any alleged violation of law by the Board or an officer of this school; or

3. Objected to or refused to participate in an activity, policy, or practice of this school that the employee reasonably believes to be in violation of law or rule, fraudulent, criminal, or incompatible with a clear mandate of public policy concerning the public health, safety, or welfare or protection of the environment.

An employee who has reason to believe that the Board has engaged in an illegal activity or an activity contrary to public policy must report that belief in writing to the Executive Director or designee before notice is given to a supervisor or a public body. The Executive Director or designee shall promptly report the same to the Board and institute an investigation of the reported activity. The findings of the investigation will be reported in writing to the Board and to the employee.

The protection of law and this policy apply only to employees who have given notice in accordance with this policy and have afforded the Board a reasonable period of time to take any corrective action that may be required or have acted in circumstances that the employee believes in good faith constitute an emergency.

The Executive Director shall post notice of this policy and inform employees of their rights under the New Jersey Conscientious Employee Protection Act.

Adopted: 24 October 2019

4410 COMPENSATION

The Board of Trustees will approve the compensation for support staff members upon the recommendation of the Executive Director.

Employees who experienced a change in position during the evaluation year, which was accompanied by a salary increase, shall be subject to the same limitations on salary increases as new employees.

N.J.S.A. 18A:6-6; 18A:16-11

Adopted: 24 October 2019

4413 OVERTIME COMPENSATION

The Board of Trustees will compensate overtime work in accordance with law. "Overtime work" means work in excess of forty hours in a single work week.

No overtime shall be worked without the express advance approval of the Executive Director.

29 U.S.C.A. 207(o)
29 U.S.C.A. 207(p)
N.J.S.A. 34:11-56(a)4

Adopted: 24 October 2019

4415 SUBSTITUTE WAGES

In order to ensure reliable assistance in the absence of regular support staff employees, the Board of Trustees will offer competitive compensation to qualified substitute secretaries, clerks, custodians, maintenance workers, bus drivers, teacher aides, and cafeteria workers. In no instance shall the wages paid a substitute exceed the wages paid the regular employee.

Substitute support staff members will be paid at a per diem rate approved by the Board.

Adopted: 24 October 2019

4420 BENEFITS

The Board of Trustees shall provide benefits for support staff members in accordance with the benefits outlined in the employee handbook or as provided for in an individual contract with the Board.

Adopted: 24 October 2019

4425 WORK RELATED DISABILITY PAY

The Board of Trustees will permit, in accordance with law, the absence without loss of pay or of annual or accumulated sick leave benefits of a support staff member disabled by accident or injury arising out of and in the course of employment. Any such employee shall seek the workers' compensation benefits to which he/she is entitled by law.

An employee whose disability has qualified for the receipt of workers' compensation benefits shall be presumed eligible for work related disability pay under this policy. When an employee's disability is so brief as to preclude the employee's application for worker's compensation benefits, the employee may request and the Board may grant work related disability pay.

Any employee who qualifies for work related disability pay under this policy will be entitled to compensation in accordance with the law.

As a condition of receiving compensation, an employee who receives workers' compensation benefits for his/her work-related disability must endorse and deliver to the Board all workers' compensation temporary disability checks received for the period covered by this policy.

Adopted: 24 October 2019

4425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – SUPPORT STAFF MEMBERS

New Jersey's workers' compensation laws provide lost wages and pay medical expenses for an employee who sustains an injury as a result of an on-the-job accident, injury, or occupational disease. Workers' compensation is designed to protect school employees and their families against the hardships from injury arising in the workplace. In an effort to assist school staff in recovering from an eligible workers' compensation injury, the Board provides a Modified Duty Early Return To Work Program. The Program is provided to staff members who have been injured on the job, but who are not permanently disabled. The Program is intended to minimize the negative psychological impact to an injured staff member due to being out of work and to provide a transition and adjustment period for the injured staff member to return to work while recovering from an on-the-job injury.

The school may assign temporary modified duties and responsibilities to staff members that have sustained an eligible workers' compensation injury. These employees may temporarily perform duties and responsibilities that may or may not be within their job description, or may or may not be within their department. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

The modified duties and responsibilities will be determined by the Human Resources Manager, the school's designated Workers' Compensation Coordinator, after a medical examination and evaluation of the injured staff member by the Board's designated workers' compensation physician. The Workers' Compensation Coordinator will determine if the injured staff member is eligible for modified duties or responsibilities. This determination will be based on:

1. The workers' compensation physician's examination and evaluation report;

2. The injured staff member's capabilities to assume modified duties or responsibilities;

3. The availability of modified duties and responsibilities within the school at the time; and/or

4. Other issues that may impact the school's ability to assign modified duties and responsibilities.

This Modified Duty Early Return to Work Program will be administered consistent with applicable Federal and State laws and in accordance with provisions of collective bargaining agreements within the school.

Adopted: 24 October 2019

4431.1 FAMILY LEAVE

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A. Introduction

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA).

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in a twelve month period upon advance notice to the school for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees may take up to a combined total of twenty-six workweeks in a single twelve month period to care for a covered servicemember with a serious injury or illness.

NJFLA leave for eligible staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the school so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

B. Applicability

The Board will comply with requirements of the New Jersey and Federal Family Leave laws. The laws have similar and different provisions that may provide different rights and obligations for the staff member and/or the Board. The staff member shall be afforded the most favorable rights if there is a conflict in the rights afforded to the staff member under the two laws.

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.

2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.

3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law's leave entitlements within one twelve-month period. (Example: A staff member may use their FMLA leave for a twelve week family leave for their own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

C. Definitions

1. Federal Family and Medical Leave Act (FMLA)

"Contingency operation" means a military operation that results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

"Covered active duty" or "call to covered active duty" means duty during deployment of a member with the Armed Forces to a foreign country and, in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

"Covered servicemember" means a current member of the Armed Forces (including National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

"Covered veteran" means an individual who was a member of the Armed Forces (including National Guard or Reserves), discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible staff member takes FMLA leave to care for the covered veteran. For a veteran discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. 29 CFR § 825.127(b)(2)

"Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness under FMLA. 29 CFR §825.127

"Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 29 CFR §825.122(k). 29 CFR §825.127(d)(3)

"Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. 29 CFR § 825.127(b)(1)

"Parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents "in law."

"Parent of a covered servicemember" means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in law."

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider. "Serious health condition" may include treatment of substance abuse pursuant to 29 CFR §825.119.

"Serious injury or illness," only in the case of a veteran or current member of the Armed Forces, means:

a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

b. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(2) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(3) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. 29 CFR 825 §127(c)

"Single twelve-month period" means that a military caregiver's leave begins on the first day the staff member takes FMLA leave and ends twelve months after that date, regardless of the twelve-month period established by the school for other FMLA leave reasons. 29 CFR §825.127(e)(1)

"Son" or "daughter" means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen or age eighteen or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

"Son or daughter of the covered servicemember" means a covered servicemember's biological, adopted or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. 29 CFR §825.127(d)(1)

"Son or daughter on covered active duty or call to covered active duty status" means the staff member's biological, adopted or foster child, stepchild, legal ward, or a child for whom the staff member stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. 29 CFR §825.126(a)(5)

"Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex marriage or common law marriage. 29 CFR §825.122

"Staff member" means an employee eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).

"Week" or "Workweek" means the number of days a staff member normally works each calendar week.

2. New Jersey Family Leave Act (NJFLA)

"Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but incapable of self-care because of a mental or physical impairment.



"Continuing medical treatment" or "continuing supervision by a health care provider" means a period of incapacity or a period of absence in accordance with N.J.A.C. 13:14.

"Parent" means a biological, adoptive, or foster parent; step-parent; parent-in-law; a legal guardian having a "parent-child relationship" with a child as defined by law; or a person who has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.

"Spouse" means a person to whom a staff member is lawfully married as defined by New Jersey law.

"Staff member" means an employee eligible for family leave in accordance with the New Jersey Family Leave

"Week" or "Workweek" means the number of days a staff member normally works each calendar week.

D. Eligibility

1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this school and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave. The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR §825.110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining compensable hours of work pursuant to 29 CFR §785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.



Pursuant to 29 CFR §825.201, a husband and wife both employed by the school are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care or in order to care for the son or daughter after placement; or to care for the staff member's parent with a serious health condition.

The method to determine the twelve-month period in which the twelve weeks of FMLA leave entitlement occurs will be a "rolling" twelve-month period measured backward from the date a staff member uses any family leave.

A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member using FMLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the school. The staff member may continue the part-time employment that commenced prior to the FMLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

2. New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in this school for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the NJFLA leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

The school shall grant a family leave under NJFLA to more than one staff member from the same family (for example, a husband and a wife, or a brother and a sister) at the same time, provided such staff members are otherwise eligible for the leave. N.J.A.C. 13:14-1.12

A staff member during any period of the NJFLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member on NJFLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the school.



The staff member may continue the part-time employment that commenced prior to the NJFLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

The method to determine the twenty-four month period in which the twelve weeks of NJFLA leave entitlement occurs will be a "rolling" twenty-four month period measured backward from the date a staff member uses any leave.

E. Types of Leave

1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave to include servicemember qualifying exigency leave or military caregiver leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

a. Leave for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care may not be taken by a staff member intermittently or on a reduced leave schedule.

b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition.

c. Intermittent leave means leave scheduled for periods of time from one hour or more to several weeks; however, the total time within which the leave is taken can not exceed a twelve month period for each serious health condition episode. Intermittent leave may be taken for a serious health condition that requires periodic treatment by a health care provider, rather than one continuous period of time. Intermittent leave may also be taken for absences where the staff member is incapacitated or unable to perform the essential functions of the position because of a serious health condition even if the staff member does not receive treatment by a health care provider. The staff member shall make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the instructional/educational program.



d. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the school. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule not exceeding twenty-four consecutive weeks. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the school prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

e. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

f. Servicemember qualifying exigency leave may arise out of the foreign deployment of the staff member's spouse, child, or parent 29 CFR §§825.122 and 126:

(1) The school must grant an eligible staff member up to twelve work weeks of unpaid, job-protected leave during a twelve-month period for qualifying exigencies that arise when the staff member's spouse, child, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty.

(2) The military member must be the spouse, son, daughter, or parent, of the staff member taking FMLA exigency leave.

(3) FMLA leave can be granted for one or more of the following exigencies:

(a) Short-notice deployment:

i. Notification of duty seven or less calendar days prior to date of deployment;

ii. Leave can be used for a period of seven calendar days beginning on the date the military member is notified.

(b) Military events and related activities, including official ceremonies, programs, or events sponsored by the military and related to the covered active duty or call to covered active duty status of the military member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross.

(c) Childcare and school activities including arranging for alternative childcare; providing childcare on an urgent, immediate need basis (not routine, regular, or everyday basis); to enroll in or transfer to a new school or day care facility; or to attend meetings with staff at a school or day care facility:

i. The son or daughter must be the son or daughter of the covered servicemember.

(d) Financial and legal arrangements made to address the military member's absence while on covered active duty or call to covered active duty status.

(e) Counseling, provided by someone other than a health care provider for oneself, for the military member, or qualified child, if the need arises from the covered active duty or call to covered active duty status of the military member.

(f) Rest and Recuperation (R&R) to spend time with the military member on short-term, temporary R&R leave during a term of deployment:

i. Can be used for a period of fifteen calendar days beginning on the date the military member commences each instance of R&R leave.

(g) Post-deployment activities such as ceremonies or briefings including any that arise from the death of the military member while on covered active duty.

(h) Parental care for one meeting the definition of a "parent" and incapable of self care including: arranging alternative care; providing care on an immediate need basis; and to attend meetings or arrange services at a care facility.

(i) Additional activities in accordance with 29 CFR §825.126(b)(9).

g. Military caregiver leave provides care for a covered servicemember with a serious injury or illness 29 CFR §§825.122 and 127:

(1) The school must grant up to a total of twenty-six workweeks of unpaid, job-protected leave during a "single twelve-month period" to care for a covered servicemember with a serious injury or illness.

(a) The eligible staff member must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

(b) The staff member is limited to a combined total of twenty-six workweeks for any FMLA-qualifying reasons during the single twelve-month period. Up to twelve of the twenty-six weeks may be for an FMLA-qualifying reason other than military caregiver leave.

(c) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of twenty-six workweeks of leave during a single twelve-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full twenty-six workweeks of FMLA leave.

(2) Leave entitlement is applied on a per-covered-servicemember, per-injury basis.

(a) The staff member may take an additional twenty-six weeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than twenty-six weeks of leave may be taken within any single twelve-month period.

(b) An eligible staff member may take military caregiver leave to care for more than one current service member or covered veteran at the same time or for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.

(c) Military caregiver leave may be taken by eligible staff members whose family members are recent veterans with serious injuries or illnesses incurred or aggravated in the line of duty on active duty, and that manifested before or after the veteran left active duty.

2. New Jersey Family Leave Act (NJFLA)

A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program. The school shall not require a staff member to take a leave of absence beyond the period of time the staff member requests family leave. N.J.A.C. 13:14-1.5(f)

a. In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary. The total time within which the leave is taken, can not exceed a twelve-month period for each serious health condition episode. The staff member will provide the school with prior notice of the leave in a manner which is reasonable and practicable; and the staff member shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the school.

b. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the school. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule for a period not exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without an agreement between the staff member and the school if the leave is taken for the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the school prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.



c. The fact that a holiday may occur within the week taken by a staff member as family leave has no effect and the week is counted as a week of family leave. However, if the staff member is out on family leave and the school is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

F. Notice

1. Federal Family and Medical Leave Act (FMLA)

a. Foreseeable Leave - A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the Human Resources Manager if the need for the leave is foreseeable based on an expected birth, placement for adoption of foster care, or planned medical treatment for a serious health condition of the staff member or a family member. If thirty days is not practical, the staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice "as soon as practical" ordinarily would mean at least verbal notification to the Human Resources Manager within one or two business days or when the need for leave becomes known to the staff member. The written notice shall include the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the staff member must consult with the Human Resources Manager and make a reasonable effort to schedule the leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider. Staff members are ordinarily expected to consult with the Human Resources Manager prior to scheduling of treatment that would require leave for a schedule that best suits the needs of the school and the staff member.

The school may delay the staff member taking leave for at least thirty days if the staff member fails to give thirty days notice for foreseeable leave with no reasonable excuse for the delay.

b. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the Human Resources Manager for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the Human Resources Manager within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.

2. New Jersey Family Leave Act (NJFLA)

a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the Human Resources Manager of the need to take family leave except where the need to take family leave is not foreseeable.

(1) Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.

(2) Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

(3) When the Human Resources Manager is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.

b. Unforeseeable Leave - When the need for leave is not foreseeable, the staff member must provide notice "as soon as practicable" which shall be at least verbal notice to the Human Resources Manager within one or two business days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Human Resources Manager, but any verbal notice must be followed by written notice delivered within two working days.

G. Leave Designation

An eligible staff member shall designate FMLA or NJFLA leave upon providing notice of the need for the leave or when the need for leave commences. The Human Resources Manager shall provide the staff member with this Policy to assist the staff member in determining the type of leave.

H. Benefits

Whether a staff member is required to use sick time or any other accrued leave time concurrent with FMLA or NJFLA leave time will depend upon either the school's practice or a provision in the school's collective bargaining agreement, if applicable. 29 CFR §825.100

The Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued to work instead of taking the leave. If the staff member was paying all or part of the premium payments prior to the leave, the staff member would continue to pay his/her share during the leave time. Any ten month staff member who is on leave under NJFLA or FMLA at the end of the school year will be provided with any benefits over the summer that the staff member would normally receive if they had been working at the end of the school year.

I. Returning from Leave

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act

A staff member returning from leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the school experiences a reduction

in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under any collective bargaining agreement, the staff member shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes, and laws. The staff member's seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward seniority for the period of the leave, except as may be provided by law.

The return of a staff member prior to the expiration of the requested family leave may be permitted by the Board if the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract.

The Board may, in accordance with the provisions of 29 CFR §825.312 delay restoration of employment of a staff member using FMLA leave for the staff member's serious health condition until the staff member submits a fitness-for-duty examination from his/her health care provider indicating that the staff member is able to resume work. In the event the Board requires such a fitness-for-duty examination before restoration of the staff member after leave, the Board will provide the staff member specific notice either at the time the staff member gives notice of the need for leave or immediately after the leave commences and the staff member advises the Board of the medical circumstances for the leave.

If leave is taken under FMLA, and the staff member does not return to work after the leave expires, the Board is entitled to recover health insurance costs paid while the staff member was on FMLA. The Board's right to recover premiums would not apply if the staff member fails to return to work due to:

1. The continuation, onset or recurrence of a serious health condition of the staff member; or

2. Circumstances beyond the staff member's control.

J. Ineligible Staff Members

1. Federal Family and Medical Leave Act (FMLA)

The school may deny job restoration after FMLA leave if the staff member is a "key employee" as defined in 29 CFR §825.217 if such denial is necessary to prevent substantial and grievous economic injury to the school or the school may

delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member's own serious health condition. A "key employee" is a salaried, staff member who is among the highest paid ten percent of the school staff employed by the school within 75 miles of the worksite. No more than ten percent of the school staff within 75 miles of the worksite may be "key employees."

In the event the Human Resources Manager believes that reinstatement may be denied to a key employee, the Human Resources Manager must give written notice to the staff member at the time the staff member gives notice of the need for leave, or when the need for leave commences, if earlier, that he/she qualifies as a key employee. The key employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the school should determine that substantial and grievous economic injury to the school's operations will result if the staff member is reinstated from leave. The school's notice must explain the basis for the school's finding that substantial and grievous economic injury will result, and if leave has commenced, must provide the staff member a reasonable time in which to return to work. If the staff member on leave does not return to work in response to the notice of intent to deny restoration, the staff member continues to be entitled to maintenance of health insurance.

A key employee's rights under the FMLA continue unless and until the staff member either gives notice that he/she no longer wishes to return to work or the school actually denies reinstatement at the conclusion of the leave period. A staff member is still entitled to request reinstatement at the end of the leave period even if the staff member did not return to work in response to the school's notice. The school will then again determine whether there will be substantial and grievous economic injury from reinstatement based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the school will notify the staff member in writing (in person or by certified mail) of the denial of the restoration.

2. New Jersey Family Leave Act

The school may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school staff or one of the seven highest paid employees of the school, whichever is greater, if the denial is necessary to prevent substantial and grievous economic injury to the



school's operations. The Human Resources Manager shall notify the staff member of the intent to deny the leave at the time the Human Resources Manager determines the denial is necessary. If the leave has already commenced at the time of the school's notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.

K. Verification of Leave

1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member's FMLA leave to care for the staff member's seriously ill spouse, son, daughter, or parent; or for a servicemember's qualifying exigency or serious injury; or for illness due to the staff member's own serious health condition, that makes the staff member unable to perform one or more of the essential functions of the staff member's position, be supported by a certification issued by the health care provider of the staff member or the staff member's ill family member. The medical certification required encompasses both physical and psychological care and includes situations where a family member is unable to care for his/her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself/herself to the doctor. It can also include providing psychological comfort and reassurance beneficial to a child, spouse, or parent with a serious health condition who is receiving inpatient or home care and can include situations where the staff member may be needed to substitute for others who normally care for the family member or covered servicemember or to make arrangements for changes in care. The staff member need not be the only individual or family member available to care for the family member or covered servicemember. 29 CFR §825.124

The certification must meet the requirements of 29 CFR §§825.306, 309, and 310 to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if additional treatments will be required for the condition; and/or if the patient's incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

In the event the Human Resources Manager doubts the validity of the certification, in accordance with 29 CFR §825.307, the school may require, at the school's expense, the staff member obtain an opinion regarding the serious health condition from a second health care provider designated by the school, but not employed on a regular basis by the school. If the second opinion differs from the staff member's health care provider, the school may require, at the school's expense, the staff member obtain the opinion of a third health care provider designated by the school or approved jointly, in good faith, by the school and the staff member. The opinion of the third health care provider shall be final and binding on the school and the staff member.

The school may require re-certification pursuant to the requirements of 29 CFR §825.308. In accordance with 29 CFR §825.309, the staff member on leave must provide a written report to the Human Resources Manager every thirty workdays. The report shall include the staff member's status and intended date to return to work. In the event the staff member's circumstances change, the staff member must provide reasonable notice to the Human Resources Manager if the staff member intends to return to work on a date sooner than previously noticed to the school. The staff member is not required to take more leave than necessary to resolve the circumstance that precipitated the need for leave. As a condition of returning to work after the leave for the staff member's own serious health condition, and in accordance with 29 CFR §825.310, the school requires a staff member to provide a certification from their health care provider that the staff member is able to resume work.

In accordance with 29 CFR §825.311, the school may delay the taking of FMLA leave to a staff member who fails to provide certification within fifteen days after being requested to do so by the school. In accordance with 29 CFR §825.312, the school may delay the taking of leave until thirty days after the date the staff member provides notice to the school of foreseeable leave or the school may delay continuation of leave if a staff member fails to provide a requested medical certification in a timely manner.

2. New Jersey Family Leave Act

The Board shall require the certification of a duly licensed health care provider verifying the purpose of requested NJFLA leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.



In the event the Human Resources Manager doubts the validity of the certification for the serious health condition of a family member of the staff member, the school may require, at the school's expense, the staff member to obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the school. If the second opinion differs from the certification the school may require, at the school's expense, that the staff member obtain the opinion of a third health care provider designated or approved jointly by the school and the staff member concerning the serious health condition. The opinion of the third health care provider shall be final and binding on the school and the staff member.

L. Interference with Family Leave Rights

The Federal Family and Medical Leave Act and the New Jersey Family Leave Act prohibit interference with a staff member's rights under the law, and with legal proceedings or inquiries relating to a staff member's rights. Unless permitted by the law, no staff member shall be required to take family leave or to extend family leave beyond the time requested. A staff member shall not be discriminated against for having exercised his/her rights under the Federal Family and Medical Leave Act or the New Jersey Family Leave Act nor discouraged from the use of family leave.

M. Record Keeping

In order that staff member's entitlement to FMLA leave and NJFLA leave can be properly determined, the Executive Director shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave. The Executive Director will publish a notice explaining the Act's provisions and provide information concerning the procedures for filing complaints of violations of the FMLA and NJFLA.

N. Processing of Complaints

1. Federal Family and Medical Leave Act (FMLA) 29 CFR §§825.400-401

a. If there is a dispute between the school and a staff member as to whether leave qualifies as FMLA leave, it should be resolved through discussion between the staff member and the school. Such discussions and the decision shall be documented by the school.

b. The staff member also may file, or have another person file on his/her behalf, a complaint with the United States Secretary of Labor. A complaint may be filed in person, by mail, or by telephone with the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, at any local office of the Wage and Hour Division.

2. New Jersey Family Leave Act N.J.A.C. 13:14-1.16

a. Any complaint alleging a violation of the Act shall be processed in the same manner as a complaint filed under the terms of N.J.S.A. 10:5-1 et seq. and N.J.A.C. 13:4 through the New Jersey Department of Law and Public Safety, Division on Civil Rights.

Implementation of FMLA and NJFLA will be consistent with provisions in collective bargaining agreement(s) in the school.

29 CFR §825 et seq.
29 CFR §785
N.J.S.A. 10:5-1
N.J.A.C. 13:14-1 et seq.

Adopted: 24 October 2019

4431.3 NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

Board of Trustees employees are eligible to apply for benefits under New Jersey's Family Leave Insurance Program administered by the State of New Jersey – Department of Labor and Workforce Development. New Jersey's Family Leave Insurance Program (NJFLI) may provide up to six weeks of family leave insurance benefits payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan.

A benefit provided through the NJFLI will be for the employee to bond with a child during the first twelve months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual is a biological parent of the child, or the first twelve months after the placement of the child for adoption with the covered individual. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI must provide the Executive Director written notice thirty calendar days prior to beginning the leave. Failure to provide this thirty-day notice may result in a reduction in the employee's maximum family leave insurance benefits. Intermittent leave to bond with a newborn or newly adopted child must be agreed to by the Executive Director and the employee and, if agreed to, must be taken in periods of seven days or more.

A benefit provided through the NJFLI will also be to care for a family member with a serious health condition supported by a certification provided by a health care provider. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI for consecutive leave must provide the school reasonable and practical notice unless the time of the leave is unexpected or the time of the leave changes for unforeseen reasons. An employee who intends to apply for benefits under this provision of the NJFLI for intermittent leave must provide the school with a written notice at least fifteen calendar days prior to beginning the leave.

For the purposes of this Policy, "family member" means a child, spouse, domestic partner, civil union partner, or parent of a covered individual. "Child" means a biological, adopted, or foster child, stepchild, or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than nineteen years of age or is nineteen years of age or older but incapable of self-care because of mental or physical impairment.

All applications for benefits under the NJFLI must be filed directly with the State of New Jersey – Department of Labor and Workforce Development. The eligibility requirements, wage requirements, benefit duration and amounts, and benefit limitations shall be in accordance with the provisions of the NJFLI as administered by the State of New Jersey – Department of Labor and Workforce Development. A formal appeal may be submitted to the State of New Jersey – Department of Labor and Workforce Development if an employee or the Board disagrees with a determination on a claim.

The NJFLI provides eligible individuals a monetary benefit and not a leave benefit. In addition, the school administrative and related staff will comply with the State of New Jersey - Department of Labor and Workforce Development requests for information in accordance with the provisions of N.J.A.C. 12:21-3.9.

The Board may elect to provide employees with Family Leave Insurance benefits coverage under a private plan which must be approved by the State of New Jersey – Department of Labor and Workforce Development.

A printed notification of covered individuals' rights relative to the receipt of benefits under the NJFLI will be posted in each of the school worksites and in a place or places accessible to all employees at the worksite. Each employee shall receive a copy of this notification in writing at the time of the employee's hiring, whenever the employee provides written notice to the Executive Director of their intention to apply for benefits under the NJFLI, or at any time upon the first request of the employee. The written notification may be transmitted to the employee in electronic form.

N.J.S.A. 43:21-25 et seq.
N.J.A.C. 12:21-1.1 et seq.

Adopted: 24 October 2019

4432 SICK LEAVE

The Board of Trustees shall grant sick leave, in accordance with law, to support staff members absent from work because of personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days as provided in the employee handbook or as provided for in an individual contract with the Board.

The Board reserves the right to require of any employee who claims sick leave sufficient proof, including a physician's certification, of the employee's illness or disability. As a minimum, no day will be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, has participated in a work stoppage, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

The Executive Director will prepare rules for the administration of the Board's policy on sick leave, which shall be binding on all employees.

The Executive Director will submit to the Board the names of those employees absent for non-compensable cause or whose claim for sick leave pay cannot be justified. The willful misuse of sick leave will be considered a serious infraction and is subject to discipline.

The school will pay for one day of sick leave per month of service per employment year, which amounts to a total of ten sick days in a calendar year for ten-month exempt employees and a total of twelve sick days in a calendar year for twelve-month exempt employees. Any absences due to illness or medical appointments may be charged to sick leave. Any accumulated sick leave may be carried over into the next employment year. However, the maximum accumulation is seventy-five days. Sick leave days have no monetary value. Thus, an employee will not be entitled to payment for any unused/accumulated sick leave days upon an employee's resignation, retirement or any other termination of employment with the school.

In cases of sick leave claimed by any staff member for a period of three days or more, the Executive Director may require a physician's certificate indicating the medical readiness of the employee to return to his/her assigned duties be presented the day that the employee is completely recovered and able to resume his/her duties.

All employees shall have one day's salary deducted for each unallowed day of absence.

If the employee uses more than their annual allocation of sick days, the Human Resources Manager may require a physician's certification of the staff member's illness.

Adopted: 24 October 2019

4433 VACATIONS

The Board of Trustees shall provide staff members with vacation time in accordance with the terms outlined in the employee handbook or as provided for in an individual contract with the Board.

Adopted: 24 October 2019

4434 HOLIDAYS

The Board of Trustees will compensate support staff members for holidays in accordance with the holiday provisions as outlined in the employee handbook or as provided for in an individual contract with the Board.

Adopted: 24 October 2019

4435 ANTICIPATED DISABILITY

The Board of Trustees shall provide for leaves of absence, in accordance with law and the policies of this Board, for any employee of this school not otherwise covered by the terms of the negotiated agreement whose absence from duties will be required for a foreseeable event of disability such as childbirth or surgery.

An employee who anticipates disability shall so notify the Executive Director as soon as the employee is under medical supervision for the condition and a date is projected for the anticipated disability. Because of the potentially disabling nature of pregnancy and the certainty of temporary disability at parturition, the Board will presume that a pregnant employee is disabled for work thirty days before the anticipated date of childbirth and continues to be disabled for thirty days after parturition, except that any such employee who presents medical certification of her fitness may continue to work until she is actually disabled and may return to work as soon as she is able.

The Board reserves the right to require an employee who requests an extended leave of absence that includes anticipated disability to commence and/or terminate the leave at times that ensure continuity in school operations. Whenever possible, partial year leaves of absence will begin and end at divisions in the academic calendar and will cause not more than one interruption in employment continuity during the school year in which the leave is taken. No person who is required to take leave at a time other than that requested will be denied the use of sick leave for the anticipated disability that occurs or is presumed to occur during the leave.

An employee who anticipates a disability may request a leave of absence to commence before disability and to extend beyond the period of disability. Any such request shall be subject to Board discretion and the Board's policy on leave of absence. An employee on voluntary leave of absence is not eligible for sick leave pay for disability occurring during the period of that absence.

Adopted: 24 October 2019

4436 PERSONAL LEAVE

The Board of Trustees will provide compensated absence for reason of personal necessity for staff members as outlined in the Essex Valley School personnel handbook or as provided for in an individual contract with the Board.

Adopted: 24 October 2019

4437P MILITARY LEAVE – APSSD

The Board of Trustees recognizes that military service rendered by any Approved Private School for Students with Disabilities (APSSD) employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. A permanent or full-time temporary officer and/or employee of the APSSD will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq.

Federal law prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve.

The term "Uniformed Services" means the Armed Forces, the Army National Guard, and the Air National Guard when engaged in active duty for training, inactive duty training, or full time National Guard duty, the commissioned corps of the Public Health Service, System members of the National Urban Search and Rescue Response System during a period of Federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and any other category of persons designated by the President in time of war or national emergency.

An APSSD must reemploy an employee returning from a period of service in the uniformed services if the employee meets the following five criteria:

1. The employee must have been absent from the APSSD on account of service in the uniformed services;

2. The employee must have given advance notice to the APSSD that he or she was leaving the job for service in the uniformed services, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;

3. The cumulative period of military service with the APSSD must not have exceeded five years;

4. The employee must not have been released from service under dishonorable or other punitive conditions; and

5. The employee must have reported back to the APSSD in a timely manner or have submitted a timely application for reemployment, unless timely reporting back or application was impossible or unreasonable.

The APSSD is not required to reemploy an employee if:

1. The APSSD's circumstances have so changed as to make such reemployment impossible or unreasonable; if the entitled employee has suffered a disability during the period of service and after the APSSD makes reasonable accommodations is still unable to perform the job, and no other equivalent job is available that can be performed despite the disability and also if the employee is no longer qualified for any reason and cannot become qualified with reasonable efforts from the APSSD;

2. The APSSD is also not required to reemploy an employee if such employment would impose an undue hardship on the APSSD; or

3. The APSSD is not required to reemploy an employee if the employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

The APSSD shall have the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

The APSSD is required to provide to employees entitled to the rights and benefits under the Federal law a notice of the rights, benefits, and obligations of such employees and the APSSD under Federal law.

The school will provide benefits and rights for staff on military leave as required by Federal law.

Uniformed Services Employment and Reemployment Rights Act
(USERRA), 38 U.S.C. Section 4301 et seq.

Adopted: 24 October 2019

4438 JURY DUTY

An employee summoned to jury duty shall promptly report the summons to his/her immediate supervisor within twenty-four hours after receiving notice.

On return from jury duty, the employee must submit to his/her immediate supervisor a court record of the number of days served on jury duty.

While on jury duty, an employee must provide a proof of attendance to be paid for jury duty leave. While on leave, the school expects staff members to come to work on any day they are released from jury duty before 10:00 a.m.

N.J.S.A. 2B:20-1 et seq.; 2B:20-16

Adopted: 24 October 2019



5000 STUDENTS

Number	Title
5111	Admissions (M)
5120	Assignments of Students (M)
5130	Termination of Enrollment
5200	Attendance (M)
5230	Late Arrival and Early Dismissal
5240	Tardiness
5300	Automated External Defibrillators (AEDs) (M)
5305	Health Services Personnel
5308	Student Health Records (M)
5310	Health Services (M)
5320	Immunization
5330	Administration of Medication (M)
5330.01	Administration of Medical Marijuana (M)
5330.04P	Administering an Opioid Antidote – APSSD (M)
5331	Management of Life-Threatening Allergies in School (M)
5332	Do Not Resuscitate Orders (M)
5335	Treatment of Asthma (M)
5337P	Service Animals - APSSD
5338	Diabetes Management (M)
5350P	Student Suicide Prevention – APSSD (M)
5420	Reporting Student Progress (M)
5460	Graduation
5500	Expectations for Student Conduct (M)
5511	Dress and Grooming
5512P	Harassment, Intimidation, and Bullying – APSSD (M)
5513	Care of School Property (M)
5516	Use of Electronic Communication and Recording Devices (ECRD) (M)
5530	Substance Abuse (M)
5533P	Student Smoking – APSSD (M)
5561P	Use of Physical Restraint and Seclusion Techniques for Students with Disabilities - APSSD (M)
5600	Student Discipline/Code of Conduct (M)
5610	Suspension (M)
5611P	Removal of Students for Firearms Offenses - APSSD (M)
5612P	Assaults on Board Members or Employees - APSSD (M)
5613P	Removal of Students for Assaults with Weapons Offenses - APSSD (M)
5615	Suspected Gang Activity



Number	Title
5700	Student Rights
5710	Student Grievance
5750	Equal Educational Opportunity (M)
5751	Sexual Harassment (M)
5752	Marital Status and Pregnancy (M)
5755	Equity in Educational Programs and Services (M)
5756P	Transgender Students – APSSD (M)
5770	Student Right of Privacy
5820	Student Government
5841	Secret Societies
5842	Equal Access of Student Organizations
5850	Social Events and Class Trips

5111 ADMISSIONS

The Executive Director, Assistant Director, Supervisor of Instruction, Psychiatrist, and/or social worker shall follow the process below for admission to this school:

1. An intake meeting will be held with the parent and child prior to admittance.

2. Students must be recommended and approved for attendance by the sending district Board of Education.

Adopted: 24 October 2019

5120 ASSIGNMENT OF STUDENTS

The Board of Trustees directs the assignment of students to the schools, programs, and classes of this school consistent with the best interests of students and the best uses of the resources of this school.

Adopted: 24 October 2019

5130 TERMINATION OF ENROLLMENT

The Essex Valley School is considered to be a "receiving school" within the meaning set forth in New Jersey statutory law and regulations, and is authorized by the Department of Education to provide programs for students with disabilities through contracts with district Boards of Education. Therefore, if Essex Valley School is considering the termination of a student's placement prior to the end of the student's academic school year, Essex Valley School must immediately contact the sending district Board of Education to schedule an IEP meeting.

The sending district is required to schedule an IEP meeting within ten school days of the date of notification. Appropriate personnel from Essex Valley School must be in attendance at this meeting, which shall include, at minimum, at least one person who participated in making the recommendation to terminate the placement.

Following the IEP meeting, a student's enrollment at Essex Valley School may be terminated only after the district Board of Education has provided written notice to the parents in accordance with N.J.A.C. 6A:14-2.3(h). Termination of enrollment shall be effective fifteen days after the notice is received. Executive Director shall recommend the termination of a student's enrollment for the following reasons:

1. The student's actions present a threat to the safety and welfare of the student, other students, and/or staff members.

2. The student's behavior disrupts the program on a regular basis to the extent that the functioning of the school is obstructed.

3. It has been demonstrated that the student can no longer benefit from Essex Valley School or that Essex Valley School can no longer meet the educational needs of the student.

Adopted: 24 October 2019

5200 ATTENDANCE

In accordance with the provisions of N.J.S.A. 18A:38-25, every parent, guardian, or other person having control and custody of a child between the ages of six and sixteen shall cause the child to regularly attend school. The Board of Trustees requires students enrolled in the school to attend school regularly in accordance with the laws of the State.

In accordance with the provisions of N.J.A.C. 6A:16-7.6 and for the purposes of this Policy and Regulation 5200, a student's absence from school will be excused or unexcused that counts toward truancy.

Students that are absent from school for any reason are responsible for the completion of assignments missed because of their absence. A student who is absent from school for observing a religious holiday shall not be deprived of any award, eligibility, or opportunity to compete for any award, or deprived of the right to take an alternate test or examination that was missed because of the absence provided there is a written excuse of such absence signed by the parent.

Prolonged or repeated absences, excused or unexcused, from school or from class, deprive students of the educational and classroom experiences deemed essential to learning and may result in retention at grade level.

For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.

All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. for each student with up to four cumulative unexcused absences that count toward truancy.

Students shall be subjected to the school's response for unexcused absences that count toward truancy during the school year as outlined in N.J.A.C. 6A:16-7.6(a)4 and Regulation 5200.

Unexcused absences from school or from classes within the school day may subject a student to consequences that may include the denial of a student's participation in co-curricular activities and/or athletic competition. Repeated absences from school interfere with efforts of this Board and its staff in the maintenance of good order and the continuity of classroom instruction and such absences may result in the removal of the student from a class or course of study.

N.J.S.A. 18A:36-14; 18A:38-25
N.J.S.A. 34:2-21.1 et seq.
N.J.A.C. 6A:16-7.6; 6A:32-8.3

Adopted: 24 October 2019



5230 LATE ARRIVAL AND EARLY DISMISSAL

The Board of Trustees requires that students be in attendance for the full school day in order to benefit from the instructional program. That requirement will be waived only when compelling circumstances require that a student be late to school or dismissed from school before the end of the school day.

The Principal may excuse for cause the late arrival and early dismissal of a student on the prior written request of the student's parents. Good cause may include, but need not be limited to, medical and dental appointments that cannot be scheduled outside the school day, medical disability, a motor vehicle driver's test, interviews for college entrance or employment, and court appearances.

No student below the age of eighteen will be permitted to leave the school before the end of the school day except in the presence of the student's parent(s) who has written authorization, or in the custody of agents of the State acting in their legal capacity.

The Principal shall maintain a record of the parents of each student. If one parent has been assigned custody of the student by court order or separation agreement and wishes to limit the noncustodial parent's access to the student, the parent in custody must inform the Principal of any such limitation and may request that his/her authorization be required before the noncustodial parent is granted access. In the absence of such notice, the Principal will presume that a student may be released into the care of either parent.

A student who suffers an incapacitating medical disability will be released from school only in the presence of an adult.

Adopted: 24 October 2019



5240 TARDINESS

The Board of Trustees believes that promptness is an important element of school attendance. Students who are late to school or to class miss essential portions of the instructional program and create disruptions in the academic process for themselves and other students.

Tardiness to school or class that is caused by a student's illness, an emergency in the student's family, the observance of a religious holiday, transportation delays, a death in the student's family, or by the student's compliance with a request or directive of an administrator will be considered justified and is excused. All other incidents of tardiness will be considered unexcused.

The sending district will be notified if a student develops a pattern of tardiness.

Adopted: 24 October 2019

5300 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

The American Heart Association estimates many lives could be saved if defibrillators were more widely available. Due to technological advances, automated external defibrillators (AEDs) may be used by lay persons without any training to provide defibrillation within the first minutes of cardiac arrest thereby increasing the victim's chances of survival. In accordance with N.J.S.A. 18A:40-41.a, the Board of Trustees shall ensure the school has an AED as defined in N.J.S.A. 2A:62A-24. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign. The AED shall be accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school are participating. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.

A team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during athletic events or team practices, shall be trained in cardio-pulmonary resuscitation and the use of the AED in accordance with the provisions of N.J.S.A. 2A:62A-25.a. The school shall be deemed to be in compliance with N.J.S.A. 2A:62A-25.a, if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

Each AED in the school shall be tested and maintained according to the manufacturer's operational guidelines. Notification shall be provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the AED, the type acquired, and its location in accordance with N.J.S.A. 2A:62A-25.b and c.

The school and its employees shall be immune from civil liability in the acquisition and use of AEDs pursuant to the provisions of N.J.S.A. 2A:62A-27.

In accordance with the provisions of N.J.S.A. 18A:40-41.b, the Executive Director or designee shall establish and implement an Emergency Action Plan applicable to the school for responding to a sudden cardiac event including, but not limited to, an event in which the use of an AED may be necessary. The Emergency Action Plan shall be consistent with the provisions of N.J.S.A. 18A:40-41.a and, at a minimum, shall include a list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and in the use of an AED. This list shall be updated, if necessary, at least once in each semester of the school year. The Emergency

Action Plan shall also include detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for responding to the person experiencing the sudden cardiac event; calling 911; starting cardio-pulmonary resuscitation; retrieving and using the AED; and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Adopted: 24 October 2019

5305 HEALTH SERVICES PERSONNEL

The Board of Trustees shall appoint at least one school physician pursuant to N.J.S.A. 18A:40-1. The Board may appoint a lead school physician to serve as health services director if more than one school physician is required. The school physician shall be currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy whose training and scope of practice includes child and adolescent health and development. The school shall conduct a criminal history background check on any physician before entering into an agreement for delivery of services.

The school physician shall provide, at a minimum, the following services:

1. Consultation in the development and implementation of school policies, procedures, and mechanisms related to health, safety, and medical emergencies pursuant to N.J.A.C. 6A:16-2.1(a);

2. Consultation to school medical staff regarding the delivery of school health services, which includes special health care needs of technology-supported and medically fragile children, including students covered by 20 U.S.C. § 1400 et seq., Individuals with Disabilities Education Improvement Act;

3. Physical examinations conducted in the school physician's office or other comparably equipped facility for students who do not have a medical home or whose parent has identified the school as the medical home for the purpose of a sports physical examination;

4. Provision of written notification to the parent stating approval or disapproval of the student's participation in athletics based upon the medical report;

5. Direction for professional duties of other medical staff;

6. Written standing orders that shall be reviewed and reissued before the beginning of each school year;

7. Establishment of standards of care for emergency situations and medically-related care involving students and school staff;

8. Assistance to the certified school nurse or non-certified nurse in conducting health screenings of students and staff and assistance with the delivery of school health services;

9. Review, as needed, of reports and orders from a student's medical home regarding student health concerns;

10. Authorization of tuberculin testing for conditions outlined in N.J.A.C. 6A:16-2.2(c);

11. Review, approval, or denial with reasons of a medical home determination of a student's anticipated confinement and resulting need for home instruction; and

12. Consultation with the school certified school nurse(s) to obtain input for the development of the school nursing services plan pursuant to N.J.A.C. 6A:16-2.1(b).

The Board shall employ a certified school nurse to provide nursing services while school is in session pursuant to N.J.S.A. 18A:40-1 and 3.3. The certified school nurse shall work under the direction of the school physician and Executive Director.

The certified school nurse shall possess a standard educational certificate with a school nurse endorsement or school nurse/non-instructional endorsement pursuant to N.J.A.C. 6A:9B-14.3 or 14.4. The certified school nurse shall possess a current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing; a bachelor's degree from a regionally accredited college or university; a current Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AED) certification as issued by the American Heart Association, the American Red Cross, the National Safety Council, or other entities determined by the Department of Health to comply with the American Heart Association's CPR guidelines.

The certified school nurse shall complete training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma, and Immunology.

The role of the certified school nurse shall include, but not be limited to:

1. Carrying out written orders of the medical home and standing orders of the school physician;

2. Conducting health screenings which include height, weight, blood pressure, hearing, vision, and scoliosis pursuant to N.J.A.C. 6A:16-2.2 and monitoring vital signs and general health status for emergent issues for students suspected of being under the influence of alcohol and controlled dangerous substances pursuant to N.J.S.A. 18A:40-4 and 12;



3. Maintaining student health records, pursuant to N.J.S.A. 18A:40-4 and N.J.A.C. 6A:16-2.4;

4. Recommending to the school Principal students who shall not be admitted to or retained in the school building based on a parent's failure to provide evidence of the child's immunization according to the schedules specified in N.J.A.C. 8:57-4;

5. Annually reviewing student immunization records to confirm with the medical home that the medical condition for the exemption from immunization continues to be applicable, pursuant to N.J.A.C. 8:57-4.3;

6. Recommending to the school Principal exclusion of students who show evidence of communicable disease, pursuant to N.J.S.A. 18A:40-7, 8, and 10;

7. Directing and supervising the emergency administration of epinephrine and glucagon, and training school staff designated to serve as delegates, pursuant to N.J.S.A. 18A:40-12.6 and 12.14;

8. Administering asthma medication through use of a nebulizer;

9. Directing and supervising the health services activities of any school staff to whom the certified school nurse has delegated a nursing task;

10. Providing classroom instruction in areas related to health pursuant to N.J.A.C. 6A:9B-14.3;

11. Reviewing and summarizing available health and medical information regarding the student and transmitting a summary of relevant health and medical information to the Child Study Team for the meeting pursuant to N.J.A.C. 6A:14-3.4(h);

12. Writing and updating, at least annually, the individualized health care plan and the individualized emergency healthcare plan for students' medical needs and instructing staff as appropriate;

13. Writing and updating, at least annually, any written healthcare provisions required under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), for any student who requires them;

14. Assisting in the development of and implementing healthcare procedures for students in the event of an emergency;

15. Instructing teachers on communicable disease and other health concerns, pursuant to N.J.S.A. 18A:40-3; and

16. Providing other nursing services consistent with the nurse's educational services certification endorsement as a school nurse issued by the State Board of Examiners and current license approved by the State Board of Nursing.

A certified school nurse who possesses the school nurse/non-instructional certificate is not authorized to teach in areas related to health pursuant to N.J.A.C. 6A:9B-14.4.

The Board may appoint a non-certified nurse under the supervision of a certified school nurse to supplement the services of a certified school nurse in accordance with the provisions of N.J.A.C. 6A:16-2.3(c). The non-certified nurse shall be assigned to the same school building or complex as the certified school nurse pursuant to N.J.S.A. 18A:40-3.3(a) and is limited to providing services only as permitted under the non-certified nurse's license issued by the State Board of Nursing.

N.J.A.C. 6A:9B-14.3; 6A:9B-14.4; 6A:16-2.3

Adopted: 24 October 2019

5308 STUDENT HEALTH RECORDS

The school shall maintain mandated student health records for each student pursuant to N.J.A.C. 6A:16-2.4. The school will document student health records using a form approved by the Commissioner of Education.

Student health records may be stored electronically or in paper format and shall be maintained separately from other student records in a secure location accessible to authorized personnel while school is in session.

Access to and disclosure of information in a student's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and New Jersey Administrative Statutes and Codes.

The school shall provide access to the student's health record to licensed medical personnel not holding educational certification who are working under contract with or as employees of the school only to the extent necessary to enable the licensed medical personnel to perform their duties. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the student health record necessary for entry and recording of data and for conducting routine clerical tasks.

Nothing in Board Policy and Regulation shall be construed to prohibit school personnel from disclosing to students or adults in connection with an emergency the information contained in the student health record if the release is necessary to protect the immediate health or safety of the student or other persons pursuant to N.J.A.C. 6A:32-7.5.

All students health records will be returned to the sending district when the student leaves the Essex Valley School.

Adopted: 24 October 2019

5310 HEALTH SERVICES

The Board of Trustees shall develop and adopt the following written policies, procedures, and mechanisms in accordance with N.J.A.C. 6A:16-2.1(a) for the provision of health, safety, and medical emergency services, and shall ensure staff are informed as appropriate:

1. The review of immunization records for completeness pursuant to N.J.A.C. 8:57-4.1 through 4.20 (Policy and Regulation 5320);

2. The administration of medication to students in the school setting in accordance with N.J.A.C. 6A:16-2.1(a)2. (Policy and Regulation 5330);

3. The review of Do Not Resuscitate (DNR) orders received from the student's parent or medical home (Policy 5332);

4. The provision of health services in emergency situations, including:

   a. The emergency administration of epinephrine via Epi-pen auto-injector pursuant to N.J.S.A. 18A:40-12.5 (Policy and Regulation 5330);

   b. The emergency administration of glucagon pursuant to N.J.S.A. 18A:40-12.14 (Policy and Regulation 5338);

   c. The care of any student who becomes injured or ill while at school or participating in school-sponsored functions (Policy and Regulation 8441);

   d. The transportation and supervision of any student determined to be in need of immediate care (Policy and Regulation 8441);

   e. The notification to parents of any student determined to be in need of immediate medical care (Policy and Regulation 8441); and

   f. The establishment and implementation of an emergency action plan for responding to a sudden cardiac event, including the use of an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41b (Policy and Regulation 5300).

5. The treatment of asthma in the school setting in accordance with the provisions of N.J.A.C. 6A:16-2.1(a)5 (Policy 5335);

6. Administration of student medical examinations, pursuant to N.J.S.A. 18A:40-4, N.J.S.A. 18A:35-4.8, and N.J.A.C. 6A:16-2.2 (Policy and Regulation 5310);

7. Utilization of sanitation and hygiene when handling blood and bodily fluids pursuant to N.J.A.C. 12:100-4.2, Safety and Health Standards for Public Employees, and in compliance with 29 CFR 1910.1030, Public Employees Occupational Safety and Health Program (PEOSH) Bloodborne Pathogens Standards (Policy and Regulation 7420);

8. Self-administration of medication by a student for asthma or other potentially life-threatening allergic reaction pursuant to N.J.S.A. 18A:40-12.3, 12.5, and 12.6, and the self-management and care of a student's diabetes as needed pursuant to N.J.S.A. 18A:40-12.15 (Policy and Regulation 5330);

9. Development of an individual healthcare plan and individualized emergency healthcare plan for students with chronic medical conditions, including life-threatening allergies, diabetes, and asthma, requiring special health services in accordance with N.J.S.A. 18A:40-12.11.c, 12.12, 12.13, and 12.15; and N.J.A.C. 6A:16-2.3(b)3xii (Policies and Regulations 5331 and 5338 and Policy 5335); and

10. Management of food allergies in the school setting and the emergency administration of epinephrine to students for anaphylaxis pursuant to N.J.S.A. 18A:40-12.6a through 12.6d (Policy and Regulation 5331).

The Board of Trustees shall annually adopt the school's nursing services plan at a regular meeting.

The Board of Trustees shall comply with the following required health services as outlined in N.J.A.C. 6A:16-2.2:

1. Immunization records shall be reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.24.

2. A Principal or designee shall not knowingly admit or retain in the school building any student whose parent has not submitted acceptable evidence of the child's immunization, according to the schedule specified in N.J.A.C. 8:57-4, Immunization of Pupils in School.



3. The school shall perform tuberculosis tests on students using methods required by and when specifically directed to do so by the New Jersey Department of Health based upon the incidence of tuberculosis or reactor rates in specific communities or population groups pursuant to N.J.S.A. 18A:40-16.

4. The school shall immediately report by telephone to the health officer of the jurisdiction in which the school is located any communicable diseases identified as reportable pursuant to N.J.A.C. 8:57-1, whether confirmed or presumed.

5. The school shall have and maintain for the care of students at least one nebulizer in the office of the school nurse or a similar accessible location, pursuant to N.J.S.A. 18A:40-12.7.

6. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school shall provide the examination at the school physician's office or other comparably equipped facility pursuant to N.J.S.A. 18A:40-4.

7. The findings of required examinations under 8.b., c., d., and e. below shall include the following components:

    a. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.24;

    b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;

    c. Health screenings including height, weight, hearing, blood pressure, and vision; and

    d. Physical examinations.

8. The school shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and 6. above and:

    a. Prior to participation on a school-sponsored interscholastic or intramural team or squad for students enrolled in any grades six to twelve in accordance with N.J.A.C. 6A:16-2.2(h)1;

    b. Upon enrollment in school in accordance with N.J.A.C. 6A:16-2.2(h)2;



c. When applying for working papers in accordance with N.J.A.C. 6A:16-2.2(h)3;

d. For the purposes of the comprehensive Child Study Team evaluation pursuant to N.J.A.C. 6A:14-3.4 in accordance with N.J.A.C. 6A:16-2.2(h)4; and

e. When a student is suspected of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 in accordance with N.J.A.C. 6A:16-2.2(h)5.

9. The school shall have available and maintain an AED, pursuant to N.J.S.A. 18A:40-41a.a(1) and (3), and in accordance with N.J.A.C. 6A:16-2.2(i).

10. The Board of Trustees shall make accessible information regarding the New Jersey FamilyCare Program to students who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

11. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.

12. The Board of Trustees shall ensure that students receive health screenings as outlined in N.J.A.C. 6A:16-2.2(l).

13. The school nurse or designee shall screen to ensure hearing aids worn by students who are deaf and/or hard of hearing are functioning properly. The school nurse or designee will ensure any FM hearing aid systems in classrooms or any school equipment in the school building used to assist students hear are functioning properly.

N.J.S.A. 18A:40-4 et seq.
N.J.A.C. 6A:16-1.3; 6A:16-2.1; 6A:16-2.2

Adopted: 24 October 2019

5320 IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Trustees requires the immunization of students against certain diseases in accordance with State statute and rules of the New Jersey State Department of Health and Senior Services.

A student shall not knowingly be admitted or retained in school if the parent(s) or legal guardian(s) has not submitted acceptable evidence of the child's immunization, according to schedules specified in N.J.A.C. 8:57-4 – Immunization of Pupils in School.

Medical or religious exemptions to immunizations shall be in accordance with the requirements as outlined in N.J.A.C. 8:57-4.3 and 4.4. A child may be admitted to school on a provisional basis in accordance with the requirements as outlined in N.J.A.C. 8:57-4.5.

No immunization program, other than that expressly required by the rules of the New Jersey State Department of Health and Senior Services or by order of the New Jersey State Commissioner of Health and Senior Services, may be conducted in schools without the express approval of the Board.

N.J.S.A. 18A:40-20
N.J.S.A. 26:4-6
N.J.A.C. 8:57-4.1 et seq.

Adopted: 24 October 2019

5330 ADMINISTRATION OF MEDICATION

The Board of Trustees disclaims any and all responsibility for the diagnosis and treatment of an illness of any student. However, in order for many students with chronic health conditions and disabilities to remain in school, medication may have to be administered during school hours. Parents are encouraged to administer medications to children at home whenever possible as medication should be administered in school only when necessary for the health and safety of students. The Board will permit the administration of medication in school in accordance with applicable law.

Medication will only be administered to students in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the school, the student's parent, a student who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and 12.4, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.

Self-administration of medication by a student for asthma or other potentially life-threatening illness or a life threatening allergic reaction is permitted in accordance with the provisions of N.J.S.A. 18A:40-12.3.

Medication no longer required must be promptly removed by the parent.

The school nurse shall have the primary responsibility for the administration of epinephrine. However, the certified school nurse may designate, in consultation with the Board or the Principal, additional employees of the school who volunteer to be trained in the administration of epinephrine via a pre-filled auto-injector mechanism using standardized training protocols established by the Department of Education in consultation with the Department of Health and Senior Services when the school nurse is not physically present at the scene.

In accordance with the provisions of N.J.S.A. 18A:40-12.6.d, no school employee, including a school nurse or any other officer or agent of a Board of Trustees or a physician providing a prescription under a standing protocol for school epinephrine pursuant to N.J.S.A. 18A:40-12.5, shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.5, nor shall any action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person designated in good faith by the school nurse pursuant to N.J.S.A. 18A:40-12.6. Good faith shall not include willful misconduct, gross negligence, or recklessness.

The school nurse or designee shall be promptly available on site at the school and at school-sponsored functions in the event of an allergic reaction. In addition, the parent must be informed that the school, its employees and agents shall have no liability as a result of any injury arising from the administration of epinephrine to the student.



The parent of the student must sign a statement acknowledging their understanding the school shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the student and the parent shall indemnify and hold harmless the school and its employees or agents against any claims arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism to the student.

The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to students for anaphylaxis is effective for the school year it is granted and must be renewed for each subsequent school year.

The school shall have and maintain for the use of students at least one nebulizer in the office of the school nurse or a similar accessible location. Each certified school nurse or other persons authorized to administer asthma medication will receive training in airway management and in the use of nebulizers and inhalers consistent with State Department of Education regulations. Every student that is authorized to use self-administered asthma medication pursuant to N.J.S.A. 18A:40-12.3 or a nebulizer must have an asthma treatment plan prepared by the student's physician which shall identify, at a minimum, asthma triggers, the treatment plan, and other such elements as required by the State Board of Education.

All student medications shall be appropriately maintained and secured by the school nurse, except those medications to be self-administered by students. In those instances the medication may be retained by the student with the prior knowledge of the school nurse. The school nurse may provide the Principal and other teaching staff members concerned with the student's educational progress with such information about the medication and its administration as may be in the student's best educational interests. The school nurse may report to the school physician any student who appears to be affected adversely by the administration of medication and may recommend to the Principal the student's exclusion pursuant to law.

The school nurse shall document each instance of the administration of medication to a student. Students self-administering medication shall report each incident to a teacher, coach, or other individual designated by the school nurse who is supervising the student during the school activity when the student self-administers. These designated individuals shall report such incidents to the school nurse within twenty-four hours of the self-administration of medication. The school nurse shall preserve records and documentation regarding the self-administration of medication in the student's health file.

N.J.S.A. 18A:6-1.1; 18A:40-3.1; 18A:40-6; 18A:40-7; 18A:40-12.3; 18A:40-12.4;
18A:40-12.5; 18A:40-12.6; 18A:40-12.7; 18A:40-12.8
N.J.S.A. 45:11-23
N.J.A.C. 6A:16-2.3(b)

Adopted: 24 October 2019

5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

The Board of Trustees, in accordance with the requirements of N.J.S.A. 18A:40-12.22, must adopt a Policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event. The parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and Policy and Regulation 5330.01.

A student enrolled in the school must be authorized to engage in the medical use of marijuana and the primary caregiver, who may be the parent, must be authorized to administer medical marijuana to a qualifying student patient in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The student and the primary caregiver must complete the registration process to obtain a Registry Identification Card from the New Jersey Department of Health in accordance with the requirements of N.J.S.A. 24:6I-4.

The parent of the student authorized to engage in the medical use of marijuana must submit a written request with supporting documentation to the Principal requesting approval to have a primary caregiver assist in the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event. The Principal, in consultation with the school nurse, the school physician, and the Executive Director, will review each request and upon approval will inform the parent in writing of the approval with details for the administration of medical marijuana to the qualifying student patient. The medical use of marijuana by a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event will only be authorized after the written approval from the Principal is provided to the parent.

Medical marijuana may only be administered to the qualifying student patient while the student is on school grounds, aboard a school bus, or attending a school-sponsored event by the primary caregiver in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The prescribed medical marijuana must be in the possession of the primary caregiver at all times, except during the administration process. The primary caregiver shall comply with the requirements of the Principal's written approval for the administration of medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

All health records related to the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event shall be maintained in accordance with the requirements of N.J.A.C. 6A:16-2.4 and N.J.A.C. 6A:32-7.4.

No person shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for simply being in the presence or vicinity of the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22. No custodial parent, guardian, or person who has legal custody of a qualifying student patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for assisting the minor in the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22.

N.J.S.A. 18A:40-12.22
N.J.S.A. 24:6I-1 et seq.
N.J.A.C. 6A:16-2.4; 6A:32-7.4

Adopted: 24 October 2019



5330.04P ADMINISTERING AN OPIOID ANTIDOTE - APSSD

N.J.S.A. 18A:40-12.24.a requires an approved private school for students with disabilities (APSSD) 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.

Non-prescription drugs will not be administered in school.

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 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 APSSD or Executive Director extends the provisions of N.J.S.A. 18A:40-12.23 through 12.27 to its school for grades five through twelve.

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.

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.

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 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 to obtain a standing order for opioid antidotes, the school nurse(s) employed or engaged by the Board 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 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 the Board, 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 nurse, school employee, or any other officer or agent of a Board 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 permitting the administration of, the opioid antidote in accordance with N.J.S.A. 24:6J-1 et seq.

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 may enter into a shared services arrangement with another school or 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 all involved in the shared services agreement.

This Policy and Regulation 5330.04P shall be reviewed and approved by the school physician prior to approval and whenever this Policy is revised. This Policy shall be made available to school staff members, parents, and students in handbooks, on the school'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: 24 October 2019

5331 MANAGEMENT OF LIFE-THREATENING ALLERGIES IN SCHOOL

The Board of Trustees recognizes students may have allergies to certain foods and other substances and may be at risk for anaphylaxis. Anaphylaxis is a sudden, severe, serious, systemic allergic reaction that can involve various areas of the body (such as the skin, respiratory tract, gastrointestinal tract, and cardiovascular system). Anaphylaxis is a serious allergic reaction that may be rapid in onset and may cause death. Policy 5331 has been developed in accordance with the Guidelines for the Management of Life-Threatening Food Allergies in Schools developed by the New Jersey Department of Education.

An Individualized Healthcare Plan (IHP) and an Individualized Emergency Healthcare Plan (IEHP) will be developed for each student at risk for a life-threatening allergic reaction. Self-administration of medication, the placement and the accessibility of epinephrine, and the recruitment and training of designees who volunteer to administer epinephrine during school and at school-sponsored functions when the school nurse or designee is not available shall be in accordance with N.J.S.A. 18A:40-12 and Board Policy and Regulation 5330. School staff will be appropriately trained by the school nurse or designee to understand the school's general emergency procedures and steps to take should a life-threatening allergic reaction occur.

The school will develop and implement appropriate strategies and prevention measures for the reduction of risk of exposure to food allergens throughout the school day, during before- and after-school programs, at all school-sponsored activities, in the cafeteria, or wherever food is present.

A description of the roles and responsibilities of parents, staff, and students to prevent allergic reactions and during allergic reactions are outlined in Regulation 5331.

Every incident involving a life-threatening allergic reaction and/or whenever epinephrine is administered throughout the school day, during before- and after-school programs, and/or at all school-sponsored activities shall be reported to the school nurse or designee. The school nurse or designee shall be responsible to notify emergency responders, the Principal or designee, the school physician, and the Executive Director. The Executive Director shall inform the Board of Trustees after every incident including a life-threatening allergic reaction or whenever epinephrine is administered by the school nurse or designee. In addition, the school nurse or designee shall arrange for the transportation of a student to the hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.

There will be occasions where food and/or beverages will be served as part of a classroom experience, field trip, and/or celebration. Because the ingredients of these food and beverage products may be unknown to the food preparation person and/or server, a student with anaphylaxis to food should not consume any food products that he/she is unsure of the ingredients. The teacher will provide, whenever possible, advance notice of the classroom experience, field trip, or celebration in order for the student to bring a food or beverage product from their home so they may participate in the activity.

When a parent informs the Principal and the school nurse the student may have an anaphylactic reaction to a substance other than food, the Principal will work with school staff to determine if these substances are on school grounds. The Principal will inform and work with the parent and the student to avoid the student's exposure to these substances if present on school grounds.

School staff will be appropriately trained by the school nurse or designee to understand the school's general emergency procedures and steps to take should a life-threatening allergic reaction occur. The school nurse or designee will provide appropriate training to school staff to understand allergies to food and other substances, to recognize symptoms of an allergic reaction, and to know the school's general emergency procedures and steps to take should a life-threatening allergic reaction occur. The school nurse will work with appropriate school staff to eliminate or substitute the use of allergens in the allergic student's meals, educational/instructional tools and materials, arts and crafts projects, or incentives.

Policy and Regulation 5331 should be annually reviewed, evaluated, and updated where needed. Policy and Regulation 5331 will be disseminated and communicated to all parents of students in the school in the beginning of each school year and when a student enters the school after the beginning of the school year.

Adopted: 24 October 2019

5332 DO NOT RESUSCITATE ORDERS

Federal and State legislation entitles every student to a free, appropriate public education in the least restrictive environment. Due to the high risk of medically fragile students and students with chronic illnesses, who in the past would not have survived to be able to attend school, families, professionals, and school personnel are challenged with new issues in caring for these students in the school setting. Some families may wish not to pursue life-saving medical protocols for their child due to the lack of benefit to the student's condition or quality of life that is likely to result from following these protocols. In accordance with N.J.A.C. 6A:16-2.1(a)3, all Do Not Resuscitate (DNR) orders received for a student will be thoroughly and carefully reviewed.

"Do Not Resuscitate order" or "DNR order" means a written directive signed by the parent of a student who, after consultation with the student's pediatrician and other advisors, declines emergency administration of cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) to the student. "Written order" means a directive and protocol written by the student's medical home to address a healthcare need or provide a medical service for a specific student. "Medical home" means a health care provider and that provider's practice site chosen by the student's parent for the provision of health care.

A family desiring to pursue a DNR order must submit a written order, which should be developed after a meeting with the parents, the student, if appropriate, the school physician, the school nurse, the student's family healthcare provider, and the local emergency medical services provider. The written order shall include specific written emergency orders and shall specifically meet the goals for the student. Community emergency medical services protocols must be clearly defined in the written order.

The school nurse is responsible for providing an appropriate response to DNR orders. The school nurse will coordinate the school's review of the written order with the Principal or designee, the school physician, and the Executive Director or designee. The Executive Director or designee will review the written order with the Board of Trustees and the school Board Attorney. The school physician shall be responsible for instructing school staff in DNR orders.

The existence of a DNR written order and plan shall be referenced on the student's health form that is approved for use by the Commissioner of Education. A copy of the DNR written order shall be placed with the student's individualized health record and a copy should be kept with the local emergency medical services provider. The DNR written order shall be reviewed whenever a change occurs in the student's condition and at least once every six months.

Adopted: 24 October 2019



5335 TREATMENT OF ASTHMA

The Board of Trustees recognizes the primary goal for children with asthma is to allow the child to live as normal a life as possible. The child should be able to participate in normal childhood activities, experience exercise tolerance similar to peers, and attend school to grow intellectually and develop socially. In accordance with N.J.A.C. 6A:16-2.1(a)5, the Board adopts this Policy that includes procedures for the treatment of asthma in the school setting.

The school shall have and maintain for the use of students at least one nebulizer in the office of the school nurse or a similar location. Each school nurse shall receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology pursuant to N.J.S.A. 18A:40-12.8(a). The school nurse, upon receiving this training, is authorized to administer asthma medication through the use of a nebulizer pursuant to N.J.S.A. 18A:40-12.8(a).

Each student authorized to use self-administered asthma medication pursuant to N.J.S.A. 18A:40-12.3 and Policy 5330 or a nebulizer shall have an Asthma Action Plan (AAP) prepared by the student's medical home and submitted to the certified school nurse. The AAP shall identify, at a minimum, asthma triggers and information to be included in the individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b) for meeting the medical needs of the student while attending school or a school-sponsored function.

N.J.S.A. 18A:40-12.3; 18A:40-12.7
N.J.A.C. 6A:16-2.1(a)5

Adopted: 24 October 2019

5337P SERVICE ANIMALS - APSSD

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 school where the public is normally permitted: in school buildings; on school property; and in vehicles owned, leased, or controlled by the school.
(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. "School" means this approved private school for students with disabilities (APSSD).

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).

   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 school 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; and/or

   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 school 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 school 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 will be required to provide the school with information that:

   a. The service animal is required because of a disability; and

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

6. The school 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 school is not responsible for the care or supervision of a service animal, in accordance with 28 CFR §35.136(e).

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

   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.

   c. 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 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 school may request, but cannot require, 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. The Executive Director or designee will ensure the school has appropriate insurance in the event a service animal is introduced as part of the school community.

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 school 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

Adopted: 24 October 2019

5338 DIABETES MANAGEMENT

Diabetes is a serious chronic disease and must be managed twenty-four hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low and the serious long-term complications of high blood sugar levels. In order to manage their diabetes, students must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

The parent of a student with diabetes who seeks diabetes care for the student while at school shall inform the school nurse who shall develop an individualized health care plan and an individualized emergency health care plan for the student. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event there is a change in the health status of the student.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of students with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia.

The school nurse shall designate, in consultation with the Executive Director or designee, additional employees of the school who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

Upon the written request of the parent and as provided in a student's individualized health care plan, the student will be permitted to manage and care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the student has been evaluated and determined to be capable of doing so as reflected in the student's individualized health care plan.

The Principal or school nurse shall, for each student with diabetes whom a school bus driver transports, provide the driver with a notice of the student's condition, how to treat hypoglycemia, who to contact in an emergency, and parent contact information. Designated areas of the school building shall have posted, in plain view, a reference sheet identifying signs and symptoms of hypoglycemia in students with diabetes.

A student's school choice, if there is a choice option, shall not be restricted due to the fact the student has diabetes.

Adopted: 24 October 2019

5350P STUDENT SUICIDE PREVENTION – APSSD

The Board of Trustees recognizes that depression and self-destruction are problems of increasing severity among students. Students under severe stress cannot benefit fully from the educational program and may pose a threat to themselves or others.

The Board directs all school staff members to be alert to a student who exhibits warning signs of self-destruction or who threatens or attempts suicide. Any such warning signs or the report of such warning signs from another student or staff member shall be taken with the utmost seriousness and reported immediately to the Principal or designee.

The Principal or designee shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) the student will be referred to the sending district Child Study Team or a Suicide Intervention Team, appointed by the Executive Director or designee, for a preliminary assessment. Upon completion of the preliminary assessment, the Principal or designee and a sending district representative shall meet with the parent(s) to review the assessment. Based on the preliminary assessment, the parent(s) may be required to obtain medical or psychiatric services for the student. In the event the parent objects to the recommendation or indicates an unwillingness to cooperate in the best interests of the student, the Principal or designee and/or sending district representative will contact the New Jersey Department of Children and Families (DCF), Division of Child Protection and Permanency to request intervention on the student's behalf.

In the event the student is required to obtain medical or psychiatric services, the parent(s) will be required to submit to the Executive Director and sending district Child Study Team a written medical clearance from a licensed medical professional, selected by the parent(s) and approved by the sending district, indicating the student has received medical services, does not present a risk to themselves or others, and is cleared to return to school. The written medical clearance may be reviewed by the sending district and a Board of Trustees' healthcare professional(s) before the student is permitted to return to school. The parent(s) shall be required to authorize their healthcare professional(s) to release relevant medical information to the APSSD's and sending district's healthcare professional(s), if requested.

Any school staff member, volunteer, or intern with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall immediately report the information to the Principal or designee or their immediate supervisor who will immediately report it to the Executive Director or designee. The Executive Director or designee shall promptly report it online to the DCF and the sending district Superintendent who will additionally report it online to the DCF. Any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of the report, unless the person has acted in bad faith or with malicious purpose.



In accordance with the provisions of N.J.S.A. 18A:6-111 and 18A:6-112, as part of the required professional development for teachers as outlined in N.J.A.C. 6A:9C-3 et seq., every teaching staff member must complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

The Executive Director shall prepare and disseminate guidelines to assist school staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide, and to prevent contagion when a student commits suicide.

N.J.S.A. 18A:6-111; 18A:6-112
N.J.A.C. 6A:9C-3 et seq.

Adopted: 24 October 2019



5420 REPORTING STUDENT PROGRESS

The Board of Trustees believes that the cooperation between school and home in the interests of children is fostered by the systematic communication of students' educational welfare to parents. The Board directs the establishment of a program of reporting student progress to the sending district and parents by written report and requires the cooperation of all appropriate teaching staff members in that program as part of their professional responsibilities.

The Principal or designee shall develop, in consultation with appropriate teaching staff members, procedures for reporting student progress to parents that utilize various methods of reporting appropriate to grade level and curriculum content; ensure that the student and parent receive ample warning of a student's lack of success in the program.

Reports of individual achievement on State assessment tests shall be promptly made available to the student or the student's parents.

Adopted: 24 October 2019

5460 GRADUATION

The Board of Trustees will recognize the successful completion of the secondary school instructional program in accordance with the child's Individualized Education Plan (IEP).

The Business Office will issue a Certificate of Completion and the sending district may issue a diploma.

Adopted: 24 October 2019

5500 EXPECTATIONS FOR STUDENT CONDUCT

The Board of Trustees believes that students should commit themselves to learning and to the development of their unique potential. Students should know that their attitudes and acts affect both their own and their classmates' learning and should accept responsibility for helping to create a positive school environment. With the support and assistance of school staff members and parents, all students can contribute to the effectiveness of the school and the value of their education.

The Board expects all students in this school, commensurate with their age and ability, to:

1. Prepare themselves mentally and physically for the process of learning;
2. Respect the person, property, and intellectual and creative products of others;
3. Take responsibility for their own behavior;
4. Use time and other resources responsibly;
5. Share responsibilities when working with others;
6. Meet the requirements of each course of study;
7. Monitor their own progress toward school objectives; and
8. Communicate with parents and appropriate school staff members.

The Executive Director shall, in consultation with staff members, parents, and, where appropriate, students, develop a statement of specific student behaviors that exemplify these expectations and shall publish both this policy and the statement of behaviors to all students, parents, and professional staff members.

Adopted: 24 October 2019

5511 DRESS AND GROOMING

There are standards of dress at Essex Valley School. Clothing that is disruptive to the classroom and overall environment is not permitted including the following:

- Headgear (hats, hoods, bandanas, headbands, etc.), other than that required for religious reasons, must be removed when students enter the building.
- Clothing that contains messages that are offensive to specific gender, ethnic, racial, and/or religious groups, that contain inappropriate language or pictures, or that advertises cigarettes, vaporizers and/or electronic cigarette products, alcoholic products, or drug paraphernalia.
- No low riding pants, shorts, skirts that expose undergarments or anatomy.
- No low cut blouses or dresses that expose undergarments or anatomy.
- Skirts, shorts, and dresses must be an acceptable length (just below finger level when arms are straight). No strapless shirts or dresses, no mid drifts, no tights.
- Clothing which represents any group, organization or philosophy, which advocates violence or disruption.

Violations of the dress code will result in disciplinary action and/or the student being asked to change clothes or the school will provide clothing for use by the student.

Adopted: 24 October 2019

5512P HARASSMENT, INTIMIDATION, AND BULLYING - APSSD

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A. Policy Statement

The Approved Private School for Students with Disabilities (APSSD) prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and an APSSD's ability to educate its students in a safe and disciplined environment. Harassment, intimidation, or bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior; treating others with civility and respect; and refusing to tolerate harassment, intimidation, or bullying.

Sending district Board of Education personnel are required to address harassment, intimidation, and bullying occurring on a sending district Board of Education bus, at a sending district Board of Education school-sponsored function, and off school grounds.

The APSSD shall address harassment, intimidation, and bullying on the APSSD's property, at any APSSD's school-sponsored function, or on an APSSD's school bus.

B. Harassment, Intimidation, and Bullying Definitions

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;

2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;

3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that

a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or

b. Has the effect of insulting or demeaning any student or group of students; or

c. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

"Parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

C. Student Expectations

The APSSD expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Student Conduct.

The APSSD believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, and school volunteers, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for APSSD property on the part of students and staff.

Students are expected to behave in a way that creates a supportive learning environment. The APSSD believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The APSSD expects that students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, and bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of acceptable behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority);

2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;

3. Student rights; and

4. Sanctions and due process for violations of the Code of Student Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.8(a)2, the APSSD has developed this Policy in consultation with, at a minimum, parents, school employees, school administrators, and, as appropriate, school volunteers and students. Based on locally determined and accepted core ethical values adopted by the APSSD, pursuant to N.J.A.C. 6A:16-7.1(a)2, the APSSD must develop guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for student conduct will take into consideration the developmental ages of students, the severity of the offenses and students' histories of inappropriate behaviors, and the mission and physical facilities of the APSSD. This Policy requires all students to adhere to the rules established by the APSSD and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the APSSD must annually provide the APSSD's Code of Student Conduct to school staff, students, and parents. Provisions shall be made for informing parents whose primary language is other than English.

D. Consequences and Appropriate Remedial Actions

Consequences and Appropriate Remedial Actions – Students

The APSSD requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Student Conduct. The following factors, at a minimum, shall be given full consideration by the APSSD administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.

Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying takes into account the nature of the behavior; the nature of the student's disability; the developmental age of the student; and the student's history of problem behaviors and performance. The appropriate remedial action may also include a behavioral assessment or evaluation including, but not limited to, a referral to the individualized education program (IEP) team of the sending district Board of Education, as appropriate; and supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.

Factors for Determining Consequences – Student Considerations

Factors may include, but are not limited to, the following:

1. Age, and developmental and maturity levels of the parties involved and their relationship to the school;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and/or
7. Context in which the alleged incidents occurred.

Factors for Determining Consequences – APSSD Considerations

Factors may include, but are not limited to, the following:

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;
3. Student-staff relationships and staff behavior toward the student; and/or
4. Alignment with APSSD policy and regulations/procedures.

Factors for Determining Remedial Measures

Factors may include, but are not limited to, the following:

Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;

5. Interests;
6. Hobbies;
7. Classroom participation;
8. Academic performance; and/or
9. Relationship to other students and the school.

Environmental

1. School culture;
2. School climate;
3. General staff management of classrooms or other educational environments;
4. Staff ability to prevent and manage difficult or inflammatory situations;
5. Social-emotional and behavioral supports;
6. Social relationships; and/or
7. Family situation.

Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension of students, as set forth in the APSSD's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior; the nature of the student's disability to the extent relevant; the developmental age of the student; the student's history of problem behaviors and performance; and consistent with the provisions of N.J.A.C. 6A:7, as appropriate, and N.J.A.C. 6A:14-7.6(f). The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.

The APSSD shall ensure all responses take into account the circumstances of the incident when responding and, at a minimum, shall include support for the victim of harassment, intimidation, or bullying and corrective actions, pursuant to N.J.A.C. 6A:14-7.6, for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below, as determined to be appropriate for the APSSD and the student population.

Examples of Consequences

Examples may include, but are not limited to, the following:

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges; and/or
4. Reports to law enforcement or other legal action.

Examples of Remedial Measures

Examples may include, but are not limited to, the following:

Personal – Student Exhibiting Bullying Behavior

1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;
2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
5. Develop a learning plan that includes consequences and skill building;
6. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
7. Arrange for an apology, preferably written;
8. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
9. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and/or
10. Schedule a follow-up conference with the student.

Personal – Target/Victim

1. Meet with a trusted staff member to explore the student's feelings about the incident;
2. Develop a plan to ensure the student's emotional and physical safety at school;
3. Ask students to log behaviors in the future;
4. Help the student develop skills and strategies for resisting bullying; and/or
5. Schedule a follow-up conference with the student.

Parents and Family

1. Develop a family agreement; and/or
2. Refer the family for family counseling.

Examples of Remedial Measures – Environmental
(Classroom or School Building)

Examples may include, but are not limited to, the following:

1. Analysis of existing data to identify bullying issues and concerns;
2. School culture change;
3. School climate improvement;
4. Increased supervision in "hot spots" (e.g., locker rooms, hallways, playgrounds, cafeterias, school perimeters);
5. Adoption of evidence-based systemic bullying prevention practices and programs;
6. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
7. Professional development plans for involved staff;
8. The APSSD's policy and procedure revisions;
9. Adjustments in hallway traffic;
10. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter);
11. Targeted use of teacher aides;
12. Parent conferences;
13. Family counseling;
14. Development of a general harassment, intimidation, and bullying response plan;
15. Behavioral expectations communicated to students and parents; and/or
16. Involvement of law enforcement officers or other appropriate legal action.

Consequences and Appropriate Remedial Actions – Staff Member

The APSSD will also impose appropriate consequences and remedial actions to a staff member who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but are not limited to, verbal or written reprimand, legal action, disciplinary action, and/or termination. Remedial measures may include, but are not limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Target/Victim Support

The APSSD should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

Examples of support for student victims of harassment, intimidation, and bullying may include, but are not limited to, the following:

1. Teacher aides;
2. Adult mentor;
3. Seating changes;
4. Counseling; and/or
5. Treatment or therapy.

E. Harassment, Intimidation, and Bullying Reporting Procedure

The APSSD requires the Assistant Director or Full-time Principal to be responsible for receiving complaints alleging violations of this Policy.

An APSSD employee, contracted service provider, student, or volunteer who has witnessed an incident of harassment, intimidation, or bullying, or who has reliable information that a student has been subject to harassment, intimidation, or bullying, shall report, verbally or in writing, the incident to the Assistant Director or Full-time Principal, to any school administrator, or safe schools resource officer who shall immediately report it to the Assistant Director or Full-time Principal. If the initial report was a verbal report, the Assistant Director or Full-time Principal shall obtain or develop a written report within two school days of the initial verbal report. The Assistant Director or Full-time Principal shall initiate a harassment, intimidation, and bullying investigation within one school day of the initial report of the incident.

The Assistant Director or Full-time Principal will inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Assistant Director or Full-time Principal shall take into account the circumstances of the incident when providing the 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 category motivating the alleged offense. The Assistant Director or Full-time Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

The Assistant Director or Full-time Principal shall report to the appropriate sending district Board of Education personnel any complaint or report of harassment, intimidation, or bullying pursuant to N.J.A.C. 6A:16-7.7(a)2.ix, occurring on sending district Board of Education school buses, at sending district Board of Education school-sponsored functions, and off school grounds involving a student who attends an APSSD. These complaints or reports shall be investigated by the appropriate sending district personnel, in consultation with the APSSD. When a complaint or report of harassment, intimidation, or bullying involves students from more than one sending school district, the sending district Board(s) of Education of the victim(s) involved shall initiate the investigation.

A person may report, verbally or in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student anonymously. The APSSD will not take formal disciplinary action based solely on the anonymous report.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The APSSD may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the APSSD may consider locked boxes located in areas of the school where reports can be submitted without fear of being observed.

A Assistant Director or Full-time Principal who receives a report of harassment, intimidation, and bullying, or who determines a reported incident or complaint, assuming all the facts are true, is a report of an act of harassment, intimidation, or bullying pursuant to N.J.A.C. 6A:16-7.8(a)3.ix(8), and fails to initiate or conduct an investigation, or has reason to believe an incident of harassment, intimidation, or bullying occurred and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

F. Anti-Bullying Specialist and School Safety/School Climate Team(s)

1. The Assistant Director or Full-time Principal shall appoint an Anti-Bullying Specialist from currently employed APSSD staff to act as the primary official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the APSSD and the functions identified pursuant to N.J.A.C. 6A:16-7.8(a)3.ix, ix(1), and x.

The Anti-Bullying Specialist shall:

a. Chair the School Safety/School Climate Team(s) as provided in N.J.S.A. 18A:37-21; and

b. Lead the investigation of incidents of harassment, intimidation, or bullying in the APSSD.

2. The APSSD shall form a School Safety/School Climate Team(s) to develop, foster, and maintain a positive school climate by focusing on the on-going systemic processes and practices in the APSSD and to address school climate issues, such as harassment, intimidation, or bullying and perform the following functions:

a. Meet two times per school year;

b. Receive any complaint(s) of harassment, intimidation, or bullying of students that has been reported to the Assistant Director or Full-time Principal;

c. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

d. Identify and address patterns of harassment, intimidation, or bullying of students in the APSSD;

e. Review and strengthen school climate and APSSD policies to prevent and address harassment, intimidation, or bullying of students;

f. Educate the APSSD community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students; and

g. Execute other duties related to harassment, intimidation, and bullying as requested by the Assistant Director or Full-time Principal.

3. The School Safety/School Climate Team(s) shall consist of the Assistant Director or Full-time Principal, or his or her designee, and the following members appointed by the Assistant Director or Full-time Principal: a teacher in the APSSD; the Anti-Bullying Specialist; a parent of a student in the APSSD; and other members determined by the Assistant Director or Full-time Principal. The team shall be chaired by the Anti-Bullying Specialist.

a. A parent shall be on the School Safety/School Climate Team(s) only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

b. Other members of the School Safety/School Climate Team(s) who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

c. The APSSD shall provide School Safety/School Climate Team(s) members with development opportunities that address effective practices of successful school climate programs or approaches.

G. Harassment, Intimidation, and Bullying Investigation

The APSSD requires a prompt investigation to be conducted for each report of violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate harassment, intimidation, or bullying.

The investigation shall be initiated by the Assistant Director or Full-time Principal or their designee within one school day of the initial report of the incident. The Anti-Bullying Specialist shall conduct the investigation and the Assistant Director or Full-time Principal may appoint additional personnel who are not the Anti-Bullying Specialist to assist with the investigation.

Investigations or complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. An investigation concerning a staff member shall not be conducted by a staff member who is supervised by the staff member being investigated. The Assistant Director or Full-time Principal or their designee will appoint a staff member to complete these investigations.

The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying. If information relevant to the investigation is anticipated, but not yet received by the end of the ten school-day period, the Anti-Bullying Specialist may amend the initial report of the investigation results to reflect the information.

The Anti-Bullying Specialist shall report the investigation results to the Assistant Director or Full-time Principal within two school days of the investigation's completion. The Assistant Director or Full-time Principal may provide intervention services; establish training programs to reduce harassment, intimidation, or bullying and to enhance school climate; and in consultation and conjunction with the sending district Board of Education pursuant to N.J.A.C. 6A:14-7.6(f), impose discipline, order counseling as a result of the investigation findings, or take or recommend other appropriate action.

The APSSD will ensure all responses take into account the circumstances of the incident when responding and, at a minimum, shall include support for a victim of harassment, intimidation, or bullying and corrective actions, pursuant to N.J.A.C. 6A:14-7.6, for documented systemic problems related to harassment, intimidation, or bullying.

The Assistant Director or Full-time Principal shall report to the appropriate sending district Board(s) of Education personnel of the students who are parties to the harassment, intimidation, or bullying investigation the results of each investigation no later than five school days following the investigation completion, along with information on any service(s) provided; training established; and pursuant to N.J.A.C. 6A:14-7.6(f), discipline imposed or other action taken or recommended by the Assistant Director or Full-time Principal.

In accordance with Federal and State law and regulation, the Assistant Director or Full-time Principal shall provide parents of students who are parties to the harassment, intimidation, or bullying investigation with information about the investigation, including the nature of the investigation, the findings, and whether discipline was imposed or services were provided, as appropriate to address the incident of harassment, intimidation, or bullying. The Assistant Director or Full-time Principal shall provide the investigation information in writing within five school days following the investigation's completion. To protect the victim, the Assistant Director or Full-time Principal shall take into account the circumstances of the incident when communicating with parents.

Parents of students who are parties to a harassment, intimidation, or bullying investigation may request a hearing before their sending district Board of Education concerning the information received about the investigation. Any request for a hearing before the sending district Board of Education shall be filed with the sending district Board Secretary within sixty calendar days after the written information about the investigation is received by the sending district Board of Education and the parents. The hearing before the sending district Board of Education shall be scheduled in collaboration with the APSSD and held by the sending district Board of Education within ten business days of the request. The APSSD and the sending district Board of Education shall coordinate the policies and procedures for conducting such hearings.



In accordance with N.J.S.A. 18A:37-15(e), the sending district Board of Education shall affirm, reject, or modify the investigation results upon conclusion of the appeal hearing and the decision shall be provided in writing to the parents of the students involved in the investigation. The sending district Board of Education decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the sending district Board of Education's decision.

A parent, student, or organization may file a complaint with the New Jersey Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (N.J.S.A. 10:5-1 et seq.).

H. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The APSSD shall establish a range of responses to harassment, intimidation, and bullying incidents and the Assistant Director or Full-time Principal and the Anti-Bullying Specialist shall appropriately apply these responses once an incident of harassment, intimidation, or bullying is confirmed. The Assistant Director or Full-time Principal shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which the APSSD staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs. The APSSD recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring APSSD officials to respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, APSSD level, or by law enforcement officials.

For every incident of harassment, intimidation, or bullying, the APSSD officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, or APSSD responses, as appropriate to the findings from each incident.

Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) intended to remediate the problem behaviors.

2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying; role plays (when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying); research projects; observing and discussing audio-visual materials on these subjects; skill-building lessons in courtesy, tolerance, and assertiveness; and conflict management.

3. The APSSD responses can include theme days; learning station programs; "acts of kindness" programs or awards; use of student survey data to plan prevention and intervention programs and activities; social norms campaigns, posters, public service announcements; "natural helper" or peer leadership programs; "upstander" programs; parent programs; the dissemination of information to students and parents explaining acceptable uses of electronic and wireless communication devices; and harassment, intimidation, and bullying prevention curricula or campaigns.

4. The APSSD school-wide responses can be comprised of the adoption of school-wide programs, including enhancing the school climate; involving the school community in policy review and development; providing professional development; coordinating with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based organizations); and launching harassment, intimidation, and bullying prevention campaigns.

I. Reprisal or Retaliation Prohibited

The APSSD prohibits a school employee, student, contracted service provider, or volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any person who reports or who has reliable information about an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Assistant Director or Full-time Principal after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and the APSSD's policies and procedures. All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances.

J. Consequences and Appropriate Remedial Action for False Accusation

The APSSD prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation, or bullying.

1. Students - Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and including suspension, as permitted under N.J.S.A. 18A:37 - Discipline of Students; as set forth in N.J.A.C. 6A:16-7.2 - Short-term Suspensions; N.J.A.C. 6A:16-7.3 - Long-term Suspensions; and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy. These consequences and appropriate remedial actions shall be identified in consultation and conjunction with the sending district Board of Education and pursuant to N.J.A.C. 6A:14-7.6.(f).

2. APSSD Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with APSSD policies, procedures, and agreements which may include, but are not limited to, reprimand, suspension, and/or termination. Remedial measures may include, but are not limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the APSSD administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions. Consequences and remedial measures may include, but not be limited to, removal of buildings or grounds privileges or prohibiting contact with students.

K. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This APSSD Policy will be disseminated annually by the Assistant Director or Full-time Principal to all school employees, contracted service providers, school volunteers, students, and parents who have children enrolled in the APSSD, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying pursuant to N.J.S.A. 18A:37-14 that occur on APSSD property, at approved APSSD-sponsored functions, and on school buses operated by the APSSD.



The sending district Board of Education HIB Policy applies to acts of harassment, intimidation, or bullying occurring on sending district Board of Education buses, at sending district Board of Education school-sponsored functions, and off school grounds involving a student who attends an APSSD.

The Assistant Director or Full-time Principal shall ensure that notice of this Policy appears in the student handbook and all other publications of the APSSD that set forth the Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

The APSSD shall post a link to the Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the APSSD website. The APSSD will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the APSSD website.

The APSSD shall post the name of the Anti-Bullying Specialist and his or her school telephone number, school address, and school email address on the home page of the APSSD website.

L. Harassment, Intimidation, and Bullying Training and Prevention Programs

The APSSD shall annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the Harassment, Intimidation, and Bullying Policy, procedures, programs, and initiatives and implement training programs for school employees and volunteers who have significant contact with students. The annual examination of training needs shall take into consideration the findings of the annual review and update of the Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.(a)2. Information regarding this Policy shall be incorporated into the APSSD training program which shall be provided to full- and part-time staff, volunteers who have significant contact with students, and persons contracted by the APSSD to provide services to students.

The APSSD shall provide time during the usual school schedule for administrative staff members and the Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

The APSSD shall recognize the importance of character education by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14 and as required by the New Jersey Department of Education.



The APSSD will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives shall be planned in consultation with, at a minimum, parents, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent or intervene in harassment, intimidation, and bullying in the APSSD.

M. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment, and Review

The Assistant Director or Full-time Principal shall develop and implement a process for annually discussing the Harassment, Intimidation, and Bullying Policy with students.

The APSSD shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, and any report(s) and/or finding(s) of the School Safety/School Climate Team(s). The APSSD shall make any necessary revisions to the Policy, consistent with N.J.A.C. 6A:14-7.3(a), to strengthen the Policy to prevent, identify, and address harassment, intimidation, and bullying of students. The programs or other responses shall be planned in consultation with, at a minimum, parents, school employees, law enforcement, school administrators, and as appropriate, school volunteers and students.

N. Reporting Requirements

The APSSD shall report all acts of violence, vandalism, and harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:17-46 and as required by the New Jersey Department of Education.

O. Reports to Law Enforcement

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes. Designated school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

The APSSD shall submit to the Executive County Superintendent a copy of the school's Harassment, Intimidation, and Bullying Policy in the 2018-2019 school year and within thirty days of all subsequent revisions.

N.J.S.A. 18A:37-13 through 18A:37-32
N.J.A.C. 6A:16-7.1 through 6A:16-7.8

Adopted: 24 October 2019



5513 CARE OF SCHOOL PROPERTY

The Board of Trustees believes that the school should help students learn to respect property and to develop feelings of pride in community institutions. The Board charges each student enrolled in this school with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property will be subject to disciplinary measures. The Board authorizes the imposition of a fine for the loss, damage, or defacement of a textbook and reserves the right to withhold a report card or diploma from any student whose payment of a fine is in arrears.

A student who demonstrates chronic and/or serious disregard for property may be referred to the sending district's Child Study Team.

The Principal shall develop rules for the safekeeping and accounting of textbooks and non-consumable supplies; and shall prepare a schedule of fines for lost and damaged textbooks.

Adopted: 24 October 2019

5516 USE OF ELECTRONIC COMMUNICATION AND RECORDING DEVICES (ECRD)

The Board of Trustees believes students and/or school staff members should not be subject to having a video or audio recording taken of any student(s) or school staff member(s) for any purpose without the consent of the student, the student's parent, and/or the school staff member. In addition to protecting the privacy rights of students and school staff members, the Board recognizes such recordings can be disruptive to the educational program. In addition, inappropriate recordings of educational material, student assessment instruments, and/or student assessment reviews can be used to compromise the integrity of the school's educational program or lead to academic dishonesty in the event such recordings are stored and/or transmitted to other students. Therefore, the Board of Trustees adopts this Policy regarding student use of electronic communication and recording devices.

"Electronic communication and recording device (ECRD)" includes any device with the capability to audio or video record or is capable of receiving or transmitting any type of communication between persons. An ECRD includes, but is not limited to, cameras, cellular and wireless telephones, pagers/beepers, laptop computers, electronic readers, personal digital assistants (PDAs), two-way radios, portable fax machines, video broadcasting devices, and any other device that allows a person to record and/or transmit, on either a real time or delayed basis, sound, video, or still images, text, or other information.

Cell phones and/or any electronic devices are not permitted in school during school hours. Cell phones and electronic devices will be collected from students when entering the building every day. Items will be placed in a locked area and returned to the student during dismissal. If school procedures are not followed, the student will face progressive disciplinary action up to and including out of school suspension. There may be incidents when the student is asked to surrender a cell phone or electronic device. If the student refuses to surrender the item, he/she may be suspended until a meeting with the parent/legal guardian. Should this situation result in an on-going problem a meeting will result with a parent/legal guardian. Any cell phones/electronic devices that are confiscated from a student during the school day may be held overnight until dismissal of the next scheduled school day. Further incidents may result in the item(s) being held and returned to a parent/guardian.

- Students may not use the telephone without specific permission from their counselor or administrators. Requests should first be made to the student's counselor. With permission, the student may use the counselor's phone.

For the purposes of this policy, "school grounds" means and includes land, portions of land, structures, buildings, and structures that support these buildings, including, but not limited to, administrative buildings, kitchens, maintenance shops, and garages. "School grounds" also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and other recreational places owned by the local municipalities, private entities, or other individuals during those times when the school has exclusive use of a portion of such land.

An ECRD used in violation of this Policy will be confiscated by a school staff member or Principal or designee and the student will be subject to appropriate disciplinary action.

A student shall not knowingly bring or possess any remotely activated paging device on any school grounds, including on a school bus or at a school-sponsored function, at any time and regardless of whether school is in session or other persons are present.

Adopted: 24 October 2019

5530 SUBSTANCE ABUSE

The Board of Trustees recognizes that a student's abuse of harmful substances seriously impedes that student's education and threatens the welfare of the entire school community. The Board is committed to the prevention of substance abuse and the rehabilitation of substance abusers by educational means, but will take the necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances. Accordingly, the Board will establish policies and procedures in operating programs to support the social, emotional, and physical development of students in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-4.1 et seq. The Board of Trustees will maintain a comprehensive substance abuse intervention, prevention, and treatment referral program in the schools.

A. Definitions

N.J.S.A. 18A:40A-9
N.J.A.C. 6A:16-1.3; 6A:16-4.1 et seq.

The definitions as outlined in N.J.S.A. 18A:40A et seq., N.J.A.C. 6A:16 et seq., and those terms defined in Regulation 5530P shall be used for the purposes of this Policy and Regulation.

B. Discipline

N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.1(c)2.; 6A:16-6.3(a)

The Board prohibits the use, possession, and/or distribution of alcohol or other drugs on school grounds according to N.J.S.A. 18A:40A-9, 10, and 11.

A student who uses, possesses, or distributes alcohol or other drugs will be subject to discipline in accordance with the school's Code of Student Conduct. School authorities also have the authority to impose a consequence on a student for conduct away from school grounds in accordance with the provisions of N.J.A.C. 6A:16-7.5. Discipline may include suspension or expulsion. The Board will establish consequences for a student not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.



C. Instruction

N.J.S.A. 18A:40A-1 et seq.
N.J.A.C. 6A:16-3.1

The Board shall provide an instructional program on the nature of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-3.1.

D. Reporting, Notification, and Examination

N.J.S.A. 18A:40A-11 through 18A:40A-17
N.J.A.C. 6A:16-3.1; 6A:16-4.1; 6A:16-4.2; 6A:16-4.3

1. Alcohol or Other Drugs

a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), on school grounds shall report the matter in accordance with N.J.A.C. 6A:16-4.3(a)1.

b. An immediate medical examination shall be conducted and a written report of the medical evaluation shall be furnished to the parent of the student, the Principal, and the Executive Director in accordance with N.J.A.C. 6A:16-4.3(a)2 through 4.3(a)8.

c. If the written report of the medical examination is not provided within twenty-four hours of the referral of the student, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.

d. If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the student's physical or mental ability to perform in school, the student shall be immediately returned to school. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school, the student shall be returned to the

care of the parent as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent, Principal, and Executive Director from a physician licensed to practice medicine or osteopathy who has examined the student that verifies the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school.

e. Removal of a student with a disability shall be in accordance with N.J.A.C. 6A:14.

f. While a student is at home because of the medical evaluation or after the student returns to school, an appropriately certified school staff member(s) will conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation and may initiate referral alcohol or other drug abuse treatment in accordance with N.J.A.C. 6A:16-4.3(a)12, 4.3(a)13, and 4.3(a)14.

g. Disclosure to law enforcement authorities of the identity of a student in instances of alcohol and other drugs shall be in accordance with the requirements of N.J.A.C. 6A:16-4.3(a)3.

h. The Board may provide additional intervention and referral services for the student according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.

2. Anabolic Steroids

a. Whenever any teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe a student has used or may be using anabolic steroids, the person shall report the matter in accordance with N.J.A.C. 6A:16-4.3(b)1.

b. The Principal or designee upon receiving such report shall immediately notify the parent and Executive Director and shall arrange for an examination of the student as soon as possible to determine whether the student has been using anabolic steroids in accordance with N.J.A.C. 6A:16-4.3(b)2.

c. Disclosure to law enforcement authorities of the identity of students in instances of anabolic steroids shall be in accordance with the requirements of N.J.A.C. 6A:16-4.3(b)3.

d. A written report of the examination shall be provided by the examining physician to the parent, Principal, and Executive Director.

e. If it is determined the student has used anabolic steroids, an appropriately certified school staff member(s) shall interview the student and others to determine the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment in accordance with N.J.A.C. 6A:16-4.3(b)5.

f. If the results of a referral for evaluation have positively determined the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an appropriately certified school staff member(s) shall initiate a referral for treatment to agencies and/or private practitioners as outlined in N.J.A.C. 6A:16-4.3(b)6.

3. A school employee who seizes or discovers alcohol or other drugs, or an item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall comply with the provisions of N.J.A.C. 6A:16-6.4.

4. The Board will provide intervention, referral for evaluation, and referral for treatment services to those students that are affected by alcohol or other drug use in accordance with the provisions of N.J.A.C. 6A:16-4.1(c)7.

5. Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.

6. Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.

E. In-Service Training

N.J.S.A. 18A:40A-15

The Board directs the Executive Director to develop a program of in-service training for all teaching staff members involved in the instruction of students in accordance with the provisions of N.J.S.A. 18A:40A-15. The Board will provide time for the conduct of the program during the usual school schedule. The in-service training program required in N.J.S.A. 18A:40A-15 shall be updated at regular intervals in order to ensure teaching staff members have the most current information available on this subject.

F. Parent Training Program/Outreach Program

N.J.S.A. 18A:40A-16; 18A:40A-17
N.J.A.C. 6A:16-4.1(c)8

The Board will provide a parent training program/outreach program in accordance with the provisions of N.J.S.A. 18A:40A-16 and 17.

G. Records and Confidentiality of Records

42 CFR Part 2
N.J.S.A. 18A:40A-7.1; 18A:40A-7.2
N.J.A.C. 6A:16-3.2; 6A:32-7.1 et seq.

Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330 regarding confidentiality. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, N.J.A.C. 6A:16-3.2, and N.J.A.C. 6A:16-6.5.

If an elementary or secondary student who is participating in a school-based drug or alcohol abuse counseling program provides information during the course of a counseling session in that program which indicates that the student's parent or other person residing in the student's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only in accordance with N.J.S.A. 18A:40A-7.1 and N.J.A.C. 6A:16-3.2.

H. Civil Immunity

N.J.S.A. 18A:40A-13; 18A:40A-14
N.J.A.C. 6A:16-4.3(c)

No action of any kind in any court of competent jurisdiction shall lie against any employee, officer, or agent of the Board because of actions taken under the education statutes on substance abuse, N.J.S.A. 18A:40A-1 et seq., provided the skill and care given is that ordinarily required and exercised by other such employees, officers, and agents of the Board in accordance with the provisions of N.J.S.A. 18A:40A-13.



Any educational or non-educational Board employee who in good faith reports a student to the Principal or designee in compliance with N.J.A.C. 6A:16-4.3 shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14.

I. Reporting Students to Law Enforcement Authorities

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

The Executive Director or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids pursuant to N.J.A.C. 6A:16-4.1(c)9. The Executive Director or designee shall not disclose the identity of the student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.

The Executive Director or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or other drugs, pursuant to N.J.A.C. 6A:16-4.1(c)9.i. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test was obtained as a result of a school's voluntary random drug testing program pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

J. Policy Review and Accessibility

N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.2(a) and (b)

The Board will annually review the effectiveness of this Policy and Regulation 5530P on student alcohol and drug abuse. The Board may solicit parent, student, and community input, as well as consult in the review process with local alcohol or other drug abuse prevention, intervention, and treatment agencies licensed by the New Jersey Department of Human Services.

This Policy and Regulation shall be annually disseminated to all school staff, students, and parents through the school website or other means.

N.J.S.A. 18A:40A-1 et seq.; 18A:40A-7.1 et seq.
N.J.A.C. 6A:16-1.1 et seq.; 6A:16-4.1 et seq.; 6A:16-6.1 et seq.

Adopted: 24 October 2019



5533P STUDENT SMOKING - APSSD

The Board of Trustees 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 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, 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, 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 school 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 such as; playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school has exclusive use of a portion of such land.

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 on school grounds, at school-sponsored events away from school, or on a school bus.

The Board also prohibits the possession of any item, by a student, 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.

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 Executive Director 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 5530 and Regulation 5530P – 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 Executive Director 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 5530 and Regulation 5530P – 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 student who violates the provisions of this Policy shall be subject to appropriate disciplinary measures in accordance with the school'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).

All school staff members shall make every reasonable effort to discourage students from developing the habit of smoking.

The Board of Trustees 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. 26:3D-55 through 26:3D-63
N.J.A.C. 6A:16-4.3
N.J.A.C. 8:6-7.2; 8:6-9.1 through 8:6-9.5

Adopted: 24 October 2019

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

The Board of Trustees strives to provide a safe, caring atmosphere that supports all students in the least restrictive environment. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain or seclude a student with a disability in accordance with N.J.S.A. 18A:46-13.4 through 13.7.

An approved private school for students with disabilities (APSSD) that utilizes physical restraint on students with disabilities shall ensure that:

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

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

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

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

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

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

An APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's behavior intervention plans developed by the sending district IEP team.

An APSSD that utilizes seclusion techniques on students with disabilities shall ensure that:

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

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

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

An APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's behavior intervention plans developed by the sending district IEP team.

The New Jersey Department of Education shall establish guidelines to ensure a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student's IEP team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports and the APSSD may determine to revise a staff member's professional development plan pursuant N.J.S.A. 18A:46-13.7.

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

The Executive Director or designee shall annually inform parents of students with disabilities about the Board's Policy regarding restraint and seclusion.

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

Adopted: 24 October 2019

5600 STUDENT DISCIPLINE/CODE OF CONDUCT

The Executive Director is responsible for meeting the requirements of N.J.A.C. 6A:14-7.6(e)(f) regarding discipline. In all cases, disciplinary procedures shall consider the nature of the offending behavior in light of the student's disability and educational needs and shall be consistent with the student's IEP.

Procedure

1. Students with disabilities who are placed in Essex Valley School may be suspended for up to ten consecutive or cumulative school days in a school year by the receiving school. Such suspensions are subject to the same procedures as nondisabled students as set forth at N.J.A.C. 6A:14-2.8. However, at the time of suspension, the Principal of Essex Valley School shall forward written notification and a description of the reasons for such action to the sending district board of education's case manager.

2. Essex Valley School shall not unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than ten consecutive or cumulative school days in a school year, or termination of placement. Such disciplinary action shall be implemented in conjunction with the sending district Board of Education according to N.J.A.C. 6A:14-2.8.

Disciplinary Procedures

Violations of any policy, procedure, and/or rule of the school will subject a student to appropriate disciplinary action, which may include, but not be limited to:

1. Specified Restrictions;

2. Community Service;

3. In School Suspension;

4. Out of School Suspension;

5. Termination of Enrollment.

Suspension

School suspension represents a serious consequence for an offense. Suspension is a disciplinary action intended to isolate the student from the rest of the population. It is intended to convey the message that Essex Valley School does not approve of inappropriate behavior.

Termination

The termination of a student's enrollment in the Essex Valley School program is a serious decision. When a student's presence poses a threat to the Essex Valley School program, that student's enrollment may be terminated.

When the Essex Valley School program has been unable to affect any significant level of progress toward resolving a student's difficulties program placement may be terminated (e.g. poor attendance, failing grades, fighting, use of controlled dangerous substances, stealing, etc.).

When a student presents extreme crisis (e.g., a clear and eminent danger to himself/herself, another student, or staff member), the student may be suspended from the program until such time as the administration, the placing Child Study Team, and the school will complete manifestation detection.

The Process of Termination

1. When termination of a student's placement takes place, the sending district will notify the parties involved that a conference is scheduled to discuss any possible alternatives. This conference must be held within fifteen calendar days of notice.

2. If a conference is not requested within the fifteen calendar days following notification of the possible termination, the Executive Director will make the final decision as to the student's continued enrollment in the Essex Valley School's program.

3. If a decision is made to terminate a student's enrollment in the program, the termination will become effective fifteen calendar days following notification of the decision. The student may be permitted to remain in the program during this fifteen day period as long as he/she does not present a danger to himself/herself, or any other student or staff member. Should the terminated student present such a danger, he/she will be suspended from the program for the balance of the fifteen calendar day period.



Designated Areas

Because the Essex Valley School staff is responsible for the safety of the community, all students are expected to report to and remain in their designated area. If students need to leave their designated area, a valid pass is required. Students who are late and/or do not report to their designated area will face consequences: (e.g. point loss, lunch detention, or even suspension). Students who are not in their designated area place themselves under suspicion. Students who are undesignated to be outside at the given time or left the building without permission will be required to renter the building through the main entrance. They will be searched and brought to in-school suspension for a determined period of time.

Sexually Inappropriate Behavior

Essex Valley School has a zero tolerance policy regarding sexually inappropriate behavior including both verbal and physical harassment. Students who engage in sexually inappropriate behavior will be subject to disciplinary action. (e.g. suspension and/or termination and/or police action.)

Fighting

There is no reason for physical confrontation because there are numerous other avenues available for resolving conflicts. Physical confrontations will result in severe disciplinary action and is cause for termination from the Essex Valley School program. Each incident will be reviewed on an individual basis.

Class Cuts

Essex Valley School firmly believes it is extremely important for students to remain in their classes at all times. Therefore, excessive class cuts will result in disciplinary action and/or a meeting with the parents and/or the Child Study Team to discuss the student's behavior. Students having between eleven and nineteen class cuts in the marking period cannot earn a grade higher than a "D". Students having twenty or more class cuts in the marking period cannot earn a grade higher than an "F". After the student has cut five classes within the marking period the subject teacher will notify the student's counselor to meet with him/her.

Adopted: 24 October 2019

5610 SUSPENSION

Essex Valley School recognizes that even the temporary exclusion of a student from the educational program of this school is a severe sanction and one that cannot be imposed without due process.

Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school's Student Discipline/Code of Conduct Policy and Regulation in accordance with the N.J.A.C. 6A:16-7.1 et seq.

For the purposes of this Policy, "suspension" means the temporary removal of a student from the regular instructional program.

For the purposes of this Policy, "short term suspension" means a suspension for one, but not more than ten consecutive school days and "long term suspension" means a suspension for more than ten consecutive school days.

In accordance with the provisions of N.J.S.A. 18A:37-4, a student may be suspended only by the Principal, who shall report any suspension to the Executive Director as soon as possible. The Executive Director shall report the suspension at the school's next regular meeting. The suspended student may be reinstated by the Principal or by the Executive Director following the suspension. No student suspended for reasons of assault upon a person in authority may be reinstated before the school has held a hearing, within thirty calendar days of the suspension, to consider that student's expulsion from school.

In each instance of a short-term suspension, the student will be provided oral or written notice of the charges and an informal hearing conducted by the Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension.

In each instance of a long-term suspension, the school shall assure the rights of the student pursuant to N.J.A.C. 6A:16-7.3.

The school will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each student with a disability who is subject to a short-term or long-term suspension.

In each instance of a short- or long-term suspension, the school shall provide academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards pursuant to N.J.A.C. 6A:8-3.1 et seq., which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14. Any suspension will be reviewed with the student's case manager from the sending district.

Student records are subject to challenge by parents and adult students in accordance with N.J.A.C. 6A:32-7.7 and Policy and Regulation 8330.

N.J.S.A. 18A:37-1; 18A:37-2 et seq.; 18A:37-4; 18A:37-5
N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:32-7.7; 6A:14-2.8

Adopted: 24 October 2019

5611P REMOVAL OF STUDENTS FOR FIREARMS OFFENSES - APSSD

The Board of Trustees is committed to providing a safe and secure school environment to all students. To provide this environment, the Board 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 5611P 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 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 from the school, which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice. The Principal or designee shall also notify the sending district.

If it is determined the student did not commit the offense, the student's continued placement will be determined by the sending district, the school, and the student's parent.

The approved private school for students with disabilities (APSSD) shall submit to the Commissioner of Education, as required, a report on each incident under N.J.A.C. 6A:16-5.5 utilizing the Student Safety Data System (SSDS), pursuant to N.J.A.C. 6A:16-5.3(d)1.

This Policy and Regulation 5611P, 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

Adopted: 24 October 2019

5612P ASSAULTS ON BOARD MEMBERS OR EMPLOYEES - APSSD

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 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, shall be immediately removed from school and returned to the sending district.

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.

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 Executive Director 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. The Principal or designee shall immediately notify the sending district.

If it is determined the student did not commit the offense, the student's continued placement will be determined by the sending district, the school, and the student's parent.

Whenever a teacher, administrator, Board member, other school 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 Executive Director. The Executive Director 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 Board meeting.

Any person who fails to file a report of an alleged assault as required may be liable to disciplinary action by the Board.

The approved private school for students with disabilities (APSSD) shall submit to the Commissioner of Education, as required, a report on each incident under N.J.A.C. 6A:16-5.7 utilizing the Student Safety Data System (SSDS).

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

Adopted: 24 October 2019

5613P REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES - APSSD

The Board of Trustees is committed to providing a safe and secure school environment to all students. To provide this environment, the Board 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 member, or another student on school grounds.

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. The Principal will discuss options with the sending district in regards to the student.

The Principal or designee shall remove the student, which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice. The Principal or designee shall immediately notify the sending district.

If it is determined the student did not commit the offense, the student's continued placement will be determined by the sending district, the school, and the student's parent.

The approved private school for students with disabilities (APSSD) shall submit to the Commissioner of Education, as required, 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 Student Safety Data System (SSDS), pursuant to N.J.A.C. 6A:16-5.3(e)1.

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

Adopted: 24 October 2019

5615 SUSPECTED GANG ACTIVITY

Students that initiate, advocate, or promote unacceptable activities or conduct, openly or otherwise, and/or threaten the safety or well-being of others, disrupt the school environment and are harmful to the educational process in this school. This unacceptable conduct, including but not limited to, physical or verbal harassing, intimidating, or bullying conduct; unlawful use of force; threats; violence; or other violations of the school's student code of conduct by a student or group of students directed toward any school staff member or any other student or group of students anywhere on school grounds, at any school related or sponsored activity, on school buses, at school bus stops, and any other place where students are supervised by school staff will not be tolerated.

In the event the Principal or designee believes any unacceptable activities or conduct was, or is being committed, for the benefit of, at the direction of, or in association with a group of three or more persons, the school staff will investigate further to determine if the conduct was committed by students representing a "criminal street gang" (hereinafter referred to as a "gang") as defined in N.J.S.A. 2C:33-29.

In accordance with N.J.S.A 2C:33-29, "criminal street gang" means three or more persons associated in fact. Individuals are associated in fact if: (1) two of the following seven criteria that indicate criminal street gang membership apply: (a) self-proclamation; (b) witness testimony or official statement; (c) written or electronic correspondence; (d) paraphernalia or photographs; (e) tattoos; (f) clothing or colors; (g) any other indicia of street gang activity; and (2) individually or in combination with other members of a criminal street gang, while engaging in gang-related activity, have committed or conspired or attempted to commit, within the preceding five years from the date of the present offense, excluding any period of imprisonment, one or more offenses on separate occasions of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, sexual assault, arson, burglary, kidnapping, extortion, tampering with witnesses and informants or a violation of Chapter 11, Section 3, 4, 5, 6, or 7 of Chapter 35, or Chapter 39 of Title 2C of the New Jersey Statutes.

If it is determined unacceptable activities or conduct was committed by students representing a gang or by students that may be representing a gang, the Principal or designee will assign appropriate disciplinary action and will notify the parent of the victim(s) and the offender(s). The Principal or designee will also inform the Executive Director and local law enforcement.



To further ensure the safety and well-being of all students in the school and to increase awareness within the school community regarding potential gang activity, students are prohibited from wearing while on school grounds, at any school related or sponsored activity, on school buses, and any other place where students are supervised by school staff, any type of clothing or accessory that would indicate a student has membership in, or affiliation with, any gang associated with criminal activities pursuant to N.J.S.A. 18A:11-9.

The parent of any student identified as being potentially involved in gang-related activities shall be notified by the Principal or designee. A student identified as being potentially involved in gang-related activities shall be offered appropriate counseling by school staff.

The Executive Director, Principal, or other administrator employed by the school shall attend a gang education seminar program pursuant to N.J.S.A. 52:17B-4.7 within the first year of initial employment as an administrator in the school. The Executive Director, Principal, or other administrator shall be exempt from this requirement if the administrator has successfully completed a gang education seminar conducted by a public school district which is substantially equivalent to the seminar required pursuant to N.J.S.A. 52:17B-4.7. Other school staff members shall be provided in-service training on gangs and gang-related conduct and activities including, but not limited to, recruitment procedures; threats/intimidation; clothing; insignia; hand signs; symbols; graffiti; terminology; or other indicia of gang association.

Information regarding gangs shall be shared by school staff to local law enforcement officials and the school's administrative staff members will encourage local law enforcement to share gang-related information with school officials.

Nothing in this Policy shall supersede or negate any existing New Jersey law or Board Policy regarding student discipline and/or the school's student code of conduct. This Policy shall be made available to school staff, students, and parents.

Adopted: 24 October 2019

5700 STUDENT RIGHTS

The Board of Trustees recognizes that students possess both the right to a free public education and the rights of citizenship. In granting students the educational opportunities to which they are entitled, the Board shall provide them with the nurture, counsel, and custodial care appropriate to students' ages and maturity. At the same time, the Board will respect the right of each student to equal treatment and equal access to the educational program, the due process of law, freedom of expression and association, and the privacy of his/her own thoughts.

Attendant on the rights guaranteed to each student are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the policies and regulations of this school.

As students differ in age and maturity, so they differ in the ability to assume both the rights and the concomitant responsibilities of citizenship. Accordingly, the exercise of each right will be granted with due regard for the degree of responsibility possessed by the student and the student's need for continuing guidance and control.

A student who has reached the age of majority and is emancipated possesses the full rights of an adult and may issue authorizations previously delegated to his/her parents. The adult student is fully responsible for his/her educational performance, attendance, compliance with school regulations, and care of school property. The parents of each adult student will be informed of the rights of the student and will continue to be informed of the student's progress in school.

Adopted: 24 October 2019

5710 STUDENT GRIEVANCE

The sending district Child Study Team believes that students are citizens who possess the right to request redress of grievances and that students should be encouraged to respect lawful procedures for the resolution of disputes. Accordingly, the sending district Child Study Team will establish and observe procedures by which the grievances of students will be heard.

For the purposes of this policy, a student grievance means any complaint that arises out of the acts or policies of this school or the acts of its employees.

A student grievance will be heard in the following manner:

1. A student should first make the grievance known to the staff member most closely involved or with a guidance counselor and both shall attempt to resolve the matter informally and directly;

2. A grievance not resolved at the first step must be reduced to a written statement in which the student sets forth the specific nature of the grievance, the facts that gave rise to it, the relief sought, and the reasons why that relief is appropriate;

3. The written grievance may be submitted to the Principal, the Executive Director, and the sending district Child Study Team, in that order and within a suitable period of time to be allowed at each level for the hearing of the grievance and the preparation of a response;

4. At each step beyond the first, the school authority hearing the grievance may summon the parent of a grievant who is not an adult. The grievant may summon the assistance of his/her parent at any step;

5. A student grievance that proceeds to the sending district Child Study Team will be determined promptly and the sending district Child Study Team will issue a decision in no more than ten calendar days.

The Executive Director shall direct all staff members to respect the right of students to seek redress of grievances by lawful procedures without fear of reprisal.

Adopted: 24 October 2019

5750 EQUAL EDUCATIONAL OPPORTUNITY

The Board of Trustees directs that all students enrolled in the school shall be afforded equal educational opportunities in strict accordance with law. No student shall be denied access to or benefit from any educational program or activity or from a co-curricular or athletic activity on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability. The Board shall assure that all students are free from harassment, sexual or otherwise.

The Board directs the Executive Director to allocate faculty, administrators, support staff members, curriculum materials, and instructional equipment supplies among and between the schools and classes of this school in a manner that ensures equivalency of educational opportunity throughout this school. The school's curricula in the following areas will eliminate discrimination, promote mutual acceptance and respect among students, and enable students to interact effectively with others, regardless of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability:

1. School climate/learning environment;
2. Courses of study, including Physical Education;
3. Instructional materials and strategies;
4. Library materials;
5. Software and audio-visual materials;
6. Guidance and counseling;
7. Extra-curricular programs and activities;
8. Testing and other assessments.

The school's curricula will include Multi-cultural Education content and practices, instruction on African-American History in the teaching of U.S. History and instruction on the Holocaust and other acts of genocide.

Affirmative action shall be taken to ensure that students are protected from the effects of discrimination, in accordance with Policy 2260. Students who experience less than equal educational opportunities or experience discrimination shall use the procedure established by Regulation 5750 to report and appeal any harassment or discriminatory practice.

The conduct of teaching staff members shall exemplify the highest principles of equality and democracy. Conduct and attitudes that display discrimination are contrary to the policies of this Board and, further, are destructive to the self esteem that this Board wishes to encourage in all students. A teaching staff member's act of derision or enmity, in any form, against a person or persons on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability shall be considered to be conduct unbecoming to a professional staff member of this school and shall be subject to appropriate discipline.

The Executive Director shall develop and promulgate a procedure by which a student or parent may appeal Board policy, school practice, or the act or omission of any school employee that allegedly violates this policy.

Adopted: 24 October 2019

5751 SEXUAL HARASSMENT

The Board of Trustees will not tolerate sexual harassment of students by school employees, other students, or third parties. Sexual harassment of students is a form of prohibited sex discrimination. School staff will investigate and resolve allegations of sexual harassment of students engaged in by school employees, other students (peers), or third parties.

The Board shall establish a grievance procedure through which school staff and/or students can report alleged sexual discrimination, including sexual harassment which may include quid pro quo harassment and hostile environment.

Definitions:

1. Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

2. Hostile environment sexual harassment is sexually harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This Policy protects any "person" from sex discrimination; accordingly both male and female students are protected from sexual harassment engaged in by school employees, other students, or third parties. Sexual harassment, regardless of the gender of the harasser, even if the harasser and the student being harassed are members of the same gender is prohibited. Harassing conduct of a sexual nature directed toward any student, regardless of the student's sexual orientation, may create a sexually hostile environment and therefore constitute sexual harassment. Nonsexual touching or other nonsexual conduct does not constitute sexual harassment.

The regulation and grievance procedure shall provide a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

The Executive Director, or designee, will take steps to avoid any further sexual harassment and to prevent any retaliation against the student who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school staff can learn of sexual harassment through notice and any other means such as from a witness to an incident, an anonymous letter or telephone call.

This policy and regulation on sexual harassment of students shall be published and distributed to students and employees to ensure all students and employees understand the nature of sexual harassment and that the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for students to ensure the staff and the students understand what type of conduct can cause sexual harassment and that the staff know the school policy and regulation on how to respond.

Adopted: 24 October 2019

5752 MARITAL STATUS AND PREGNANCY

The Board of Trustees will not discriminate among students on the basis of their marital status or parenthood. No student, male or female, who is married or a parent shall be denied access to or benefit from any educational, co-curricular, or athletic program or activity on the basis of his/her marital status or parenthood.

A pregnant student shall not be excluded from any educational program or activity because of her pregnancy or pregnancy-related condition unless the student so requests or a physician certifies that her exclusion is necessary for the student's physical, mental, or emotional well-being. An excluded pregnant student will be provided with adequate and timely opportunity for instruction to continue or make up her schoolwork without prejudice or penalty. Pregnant students will be provided a special instructional program in accordance with Policy 2416.

N.J.A.C. 6A:7-1.7(a)6

Adopted: 24 October 2019

5755 EQUITY IN EDUCATIONAL PROGRAMS AND SERVICES

Equity In Student Access

It is the policy of the Board of Trustees to ensure equal and bias-free access to all school facilities, courses, programs, activities, and services, regardless of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.

The school administration will ensure: that all students will have equal and barrier-free access to all school and classroom facilities, that minority and female students are not under-represented in gifted and talented or accelerated/advanced courses and that minority and male students are not over-represented in detentions, suspensions, expulsions, dropouts, or special needs classifications. Support services will be available to all students and that all limited English-proficient students and students with disabilities will have equal and bias-free access to all school programs and activities. The school will ensure equal and bias-free access for all students to computers, computer classes, vocational education classes, and technologically-advanced instructional assistance, regardless of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.

The Board of Trustees will refrain from locating new facilities in areas that will contribute to imbalanced, isolated, or racially identifiable school enrollments. The school administration will assign students to ensure that the racial/national origin composition of the school's enrollment reflects the composition of the schoolwide enrollment and so that school and classroom enrollments are not identifiable on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.

Students will not be separated or isolated by race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability within schools, courses, classes, programs, or extracurricular activities. Bias-free multiple measures for determining the special needs of language-minority students and students with disabilities will be utilized. Pregnant students will be permitted to remain in the regular school program and activities and if not permitted to attend school by her doctor, the student will be provided equivalent instruction.

Equity in Guidance Programs and Support Services

The school will ensure the guidance program and support services provide access to adequate and appropriate counseling services for all students, including, but not limited to, minority students, limited English-proficient students, non-college bound students, and students with disabilities. A full range of possible career, professional, and/or vocational choices will be presented to all students.

Equity in Physical Education Training

All school physical education programs will be co-educational with any exceptions to be in accordance with Federal and State laws and regulations.

Equity in Athletic Programs

The school's athletic program will provide equitable opportunities for female and male students to participate in athletics and equitable support for cheerleading programs and comparable facilities for male and female teams. The athletic program will have relatively equal numbers of varsity and sub-varsity teams for male and female teams and equitable scheduling of night games, practice times, and numbers of games for male and female teams.

Appeal Procedure

Any student or their parent may appeal school practices involving equity through the procedure established in Regulation 5750.

Adopted: 24 October 2019

5756P TRANSGENDER STUDENTS - APSSD

The Board of Trustees 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.

"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 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.

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

Student-Centered Approach

The school 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 or school staff members. In addition, a legal or court-ordered name change is not required. There is no affirmative duty for any school 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 Executive Director 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.

Schools 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 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.

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 Executive Director 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 shall take the following steps to establish and maintain a nondiscriminatory environment for all students, including transgender and transitioning students:

- The school 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 Executive Director 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 may seek a variety of professionals, including counselors and school psychologists, to provide emotional supports for all students who demonstrate a need. The Executive Director or designee shall ensure school counselors are knowledgeable regarding issues and concerns relevant to transgender students, students facing other gender identity issues, or students who may be transitioning.

- Student dress codes should not be enforced more strictly for transgender and gender nonconforming students than for other students.

- The school 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 or parents 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 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 may be obligated to disclose a student's status. In this event, the Principal or designee should inform the student the school 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 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 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.

During a harassment, intimidation, or bullying investigation the school 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:16-7.8. 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 school 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:16-7.8.

Disclosure of personally identifiable information from a student's education record to other school officials within the school, whom the school 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 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 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. 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 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 the 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.

- If the school 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.

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.

The school 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.

- The school 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.

The Executive Director 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 administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure the 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: 24 October 2019

5770 STUDENT RIGHT OF PRIVACY

The Board of Trustees recognizes that a student's right of privacy may not be violated by unreasonable search and seizure and directs that no student be searched without reason or in an unreasonable manner.

Teaching staff members are charged with the responsibility of maintaining order and discipline in the school and of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, a teaching staff member may search or request the search of the person or property of a student as authorized by this policy, with or without the student's consent, whenever he/she has reasonable grounds to suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, and the student's disciplinary history. Except in exigent circumstances, an intrusive search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender.

The Board acknowledges the need for the in-school storage of students' possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such storage places, students may lock them against incursion by other students. In no storage place provided by the Board shall students have such an expectation of privacy as to prevent examination by a school official. Students shall be notified in writing at the beginning of each school year that inspections of their lockers, desks, and other storage facilities on school property may be conducted. The school Principal or designee is directed to conduct, without further notice, the regular inspection of such facilities provided to students for the storage of property.

Except as required by exigent circumstances, a request for the search of a student or a student's private possessions will be directed to the Principal or designee who shall, whenever feasible, first request the freely offered consent of the student to the inspection.

The Executive Director shall be notified of the proposed search of a student's person or intimate personal belongings.

Whenever possible, a search will be conducted by the Principal in the presence of the student, the student's parent(s), and a teaching staff member other than the Principal. Under no circumstances shall any student be subjected to a strip search or a body cavity search.

A search prompted by the reasonable belief that the circumstances are exigent and pose an immediate threat, will be conducted by any teaching staff member with as much speed and dispatch as may be required to protect persons and property.

The Principal shall conduct a student search on the request of a law enforcement officer only on presentation of a duly authorized search warrant or on the voluntary and knowing consent of the student or when the Principal has independent grounds to suspect the presence of an incriminating object.

The Principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of the informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

Adopted: 24 October 2019

5820 STUDENT GOVERNMENT

The Board of Trustees recognizes the importance of offering students the opportunity to participate in representative self-government and to develop leadership skills. Students shall have the right to organize, conduct meetings, elect officers and representatives, and petition the Board of Trustees.

The Board recognizes grades nine through twelve as the official voice of the student body for students in grade five through age twenty-one, provided the constitution and bylaws of that organization have been duly approved by the students it represents and by the Board and provided that all students have equal access to their student government and an equal opportunity to vote and hold office.

The Board shall appoint a qualified teaching staff member to serve as advisor to student government activities.

The Board directs that decisions made and actions duly taken by the official student government, in accordance with and within the scope of its constitution and bylaws, may not be voided or vetoed by any staff member.

Adopted: 24 October 2019

5841 SECRET SOCIETIES

The Board of Trustees affirms the legislative prohibition of student organizations with closed membership practices as hostile to the democratic ideals of public education.

No social organization of students will be granted the use of school facilities or permitted the use of the name of the school unless that organization has first been approved by the Executive Director or designee. The application for such approval will set forth the purposes, constitution, and bylaws of the organization; its membership qualifications; and the process by which a person becomes a member.

No organization will be approved if its purposes conflict with the authority and goals of this Board or the best interests of the students of this school; if membership is drawn from outside the currently enrolled student body; if membership qualifications are based on considerations of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, disability or political beliefs, or any other consideration not appropriate to the purpose of the organization; or if any qualifying student who applies may be denied membership.

Nothing in this policy shall prevent or otherwise deny participation in constitutionally protected prayer consistent with protections of the First Amendment of the United States Constitution.

A student who seeks to form or is a member of a fraternity, sorority, or other secret organization formed in whole or in part of students enrolled in this school may be disciplined by this Board. The Board reserves the right to require that any student attest as to his/her membership in a secret organization.

Adopted: 24 October 2019

5842 EQUAL ACCESS OF STUDENT ORGANIZATIONS

The Board of Trustees will permit the use of school facilities by student-initiated organizations for non-curricular student activities. A student-initiated organization, regardless of the size of the group, will not be denied an opportunity to meet and use school facilities on the basis of the religious, political, philosophical, or other content of the speech at their meeting.

An application for permission to meet on school premises shall be made to the Principal, who shall grant permission provided that he/she determines that:

1. The activity has been initiated by students;

2. Attendance at the meeting is voluntary;

3. No agent or employee of the school will promote, lead, or participate in the meeting;

4. The meeting is for a lawful purpose;

5. The meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;

6. Nonschool persons do not direct, conduct, control, or regularly attend the activity; and

7. The activity is adequately supervised by appropriately certified school staff.

A student-initiated group granted permission to meet on school premises shall be subject to the same rules and regulations that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The Board will not permit the organization of a fraternity, sorority, or secret society. A student-initiated meeting may be attended by no more than two outside resource persons.

Access to school facilities by student organizations will be provided within the governing principles of the First Amendment of the Constitution of the United States.

An appropriately certified staff member shall be assigned to attend a student-initiated meeting in a custodial capacity and shall not participate in the activity while serving in this custodial capacity. No teaching staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The Principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

20 U.S.C.A. 1701 et seq.
United State Department of Education - Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools

Adopted: 24 October 2019

5850 SOCIAL EVENTS AND CLASS TRIPS

The Board of Trustees recognizes the value of social events and class trips that will enhance and enrich the school experience for the students of this school.

For purposes of this policy, a "social event" is a party, celebration, or dance organized for the participation of students, and "class trips" are trips taken by students in a single graduating class, students who share a particular interest in an activity, or students who are enrolled in a particular subject area. Social events and class trips are not related or are only indirectly related to the curriculum.

The Board will make school facilities available and assign staff members as appropriate for the conduct of social events on school premises that have been approved by the Principal and for social events and class trips away from school premises that have been approved by the Principal. A social event or class trip may be considered to have been approved by this Board only when the Board has duly assigned one or more chaperones to supervise participating students. The Board will assume no responsibility for a student social event or trip that has not been approved in accordance with this policy.

The Board will not approve a social event or class trip that has the effect of reducing the school year for participating students to fewer than one hundred eighty days.

The Board reserves the right to cancel any scheduled trip.

Social events or class trips are not part of the thorough and efficient system of education provided by the Board. Participation in them is therefore not a right and may be denied to any student without the due process of notice and an opportunity to be heard. A student who demonstrates disregard for school rules may summarily be denied participation in social events and class trips.

Students who participate in approved social events and class trips are subject to school rules for student conduct and must submit to the authority of assigned chaperones. Infractions of the rules will be subject to discipline in the same manner as are infractions of rules during the regular school program.

A student who possesses or consumes alcohol or drugs in the course of an approved social event or class trip will be deemed to have placed all other participating students at risk and shall be immediately dismissed from the event or trip. Any such student will be returned home by appropriate and safe means of transportation in the company of a chaperone or the student's parent. Any expenses incurred by the dismissal will be the responsibility of the student and/or the student's parent.

The Board will permit persons not enrolled in this school to participate in social events if they had previously attended Essex Valley School, provided the Principal has approved the participation of former students in advance. Former students are subject to the same rules of conduct as are students enrolled in this school and may be removed from the social event or trip for persistent or flagrant disregard of those rules.

The Executive Director will develop regulations governing the conduct and safety of all participants in social events and class trips and will distribute them to student and adult participants.

Adopted: 24 October 2019

6000 FINANCES

Number	Title
6152P	Tuition Rate Procedures – APSSD (M)
6160	Grants from Private Sources
6162	Corporate Sponsorships
6163	Advertising on School Property
6220P	Bookkeeping and Accounting – APSSD (M)
6340	Multiple Year Contracts
6450	Choice of Vendor
6470	Payment of Claims (M)
6471P	Travel – APSSD (M)
6472	Tuition Reimbursement Plan
6520	Payroll Deductions
6620P	Petty Cash – APSSD (M)
6640	Cafeteria Fund
6650	Scholarship Fund
6700	Investments
6820P	Fiscal and Budget Information – APSSD (M)
6830P	Audit Requirements – APSSD (M)

6152P TUITION RATE PROCEDURES – APSSD

The Board of Trustees of an Approved Private School for Students with Disabilities (APSSD) located in New Jersey shall determine the final tuition rate charged to be an amount less than or equal to the certified actual cost per student as determined by an independent school auditor. The Board shall identify the certified actual cost per student and final tuition rate charged in the audited financial statements submitted to the Department of Education (Department) pursuant to N.J.A.C. 6A:23A-18.10. The tuition rate procedures shall be in accordance with N.J.A.C. 6A:23A-18.3.

The Board shall ensure actual allowable costs for the program are in accordance with the provisions of N.J.A.C. 6A:23A-18.3(a)1. In the event any of the APSSD quarterly financial reports demonstrate the year-to-date per diem rate exceeds the tentative tuition rate for the year by more than ten percent, the APSSD shall notify each sending district Board of Education and the Commissioner of Education or designee, that such an increase will be charged and the reason for the increase in accordance with the procedures outlined in N.J.A.C. 6A:23A-18.3(a)2. The determination of a final tuition rate in excess of ten percent above the tentative tuition rate charged shall be based on the completion of the required quarterly financial report in accordance with N.J.A.C. 6A:23A-18.5(a)11.

Costs for the program shall include instructional and administrative costs in accordance with N.J.A.C. 6A:23A-18.3(a)3. Unless otherwise determined pursuant to N.J.A.C. 6A:23A-18.3(b), the APSSD shall charge one tentative tuition rate as published by the Department, charge one final tuition rate determined by the APSSD, and calculate one certified actual cost per student for the school year that must be approved by the Commissioner or designee. The APSSD shall report all tuition rates in accordance with the provisions of N.J.A.C. 6A:23A-18.3(a)4.

Except for extraordinary services, providing and billing for related services shall be in accordance with N.J.A.C. 6A:23A-18.3(a)5. For programs in operation less than the minimum of 180 days of instruction (September 1 through June 30), the APSSD shall calculate total costs minus 1/180 for each day less than the 180-day requirement to determine actual allowable costs. The average daily enrollment (ADE) for students enrolled in an APSSD for a time period other than a full or half day shall be based on the total number of hours actually enrolled during the school year divided by the total possible number of hours in the school year.

For fiscal reporting purposes, an extended school year program means a program in which activities commence on or after July 1 and end on or before August 31 of the same year. For program activities that begin prior to July 1, an APSSD shall report all costs and revenues in the prior fiscal year.

An APSSD may charge one tuition rate per school location for the school year. The Commissioner or designee may have approved an APSSD to charge separate tuition rates by class type and by school location for the school year in accordance with the provisions of N.J.A.C. 6A:23A-18.3(b).

An APSSD shall record, in the prescribed bookkeeping and accounting system pursuant to N.J.A.C. 6A:23A-18.5(a)8, all direct costs that can be specifically attributed to a program and/or revenue source. For indirect costs that are incurred for a common or joint purpose, but are not readily assignable to an APSSD and/or its program and/or a revenue source, an APSSD may establish indirect cost pools, as appropriate, for allocation to the APSSD at the end of the fiscal year in accordance with N.J.A.C. 6A:23A-18.3(d).

An entity that operates only as an APSSD and operates one or more tuition programs at one or more locations shall charge costs as outlined in N.J.A.C. 6A:23A-18.3(e). An entity that operates other programs in addition to an APSSD program(s) at one or more locations shall charge their costs as outlined in N.J.A.C. 6A:23A-18.3(f).

Whenever a facility used by an APSSD is also used for unrelated activities and/or enterprises by related or unrelated parties, all direct and indirect costs associated with the facility and operations shall be charged in accordance with N.J.A.C. 6A:23A-18.3(g).

A tentative tuition rate, calculated in accordance with N.J.A.C. 6A:23A-18.3(i) and (j), shall be established by a written contractual agreement between the APSSD and the sending district Board of Education in accordance with the provisions of N.J.A.C. 6A:23A-18.3(h).

The Commissioner or designee will issue notification of the maximum tentative tuition rate for each APSSD no later than January 1 for the ensuing school year, calculated in accordance with N.J.A.C. 6A:23A-18.3(i). The Commissioner or designee may approve a higher tentative tuition rate in accordance with the provisions of N.J.A.C. 6A:23A-18.3(j).

Following a satisfactory compliance review of an independent auditor's certified actual cost per student, the Commissioner will issue an approval that the final tuition rates charged are based on the certified actual cost per student pursuant to N.J.A.C. 6A:23A-18.3(a). Tuition rate adjustments shall be in accordance with the provisions of N.J.A.C. 6A:23A-18.3(l) and (m).

The APSSD shall prepare the contract and the form to establish the tentative tuition rate for the ensuing school year, and if applicable, the tentative tuition rate for extraordinary services on Commissioner-prepared forms.



An APSSD shall reference as guidance the Commissioner-published list of maximum allowable salaries by job title and county, according to the job titles contained in N.J.A.C. 6A:9B relevant to APSSDs. These maximum allowable salaries shall be in accordance with N.J.A.C. 6A:23A-18.3(o). An APSSD shall reference as guidance the Commissioner-published list of maximum allowable salaries by administrative and job titles and county according to the job titles contained in N.J.A.C. 6A:9B and 6A:23A-18.2 relevant to APSSDs. These maximum allowable salaries shall be in accordance with N.J.A.C. 6A:23A-18.3.

An APSSD shall use the recognized position title list published annually by the Commissioner or designee, to employ staff whose position requires certification in accordance with N.J.A.C. 6A:9B or a bachelor's or master's degree pursuant to N.J.A.C. 6A:23A-18.2. An APSSD shall hire only staff or consultants in job titles that require certification or a bachelor's or master's degree if the titles are included on the recognized job titles list, or if such titles are unrecognized job titles that are approved annually by an Executive County Superintendent in accordance with N.J.A.C. 6A:9B-5.5. The APSSD may use unrecognized administrative job titles, but maximum salaries for the titles are restricted in accordance with N.J.A.C. 6A:23A-18.6(a)9. The maximum salaries of APSSD-hired staff in administrative or support job titles, such as, but not limited to, Chief Executive Officer or Chief Financial Officer, shall be limited to the maximum salary of a Director in accordance with N.J.A.C. 6A:23A-18.3(p).

For non-administrative individual employees, the Commissioner or designee may approve a salary higher than the maximum allowable salary identified in N.J.A.C. 6A:23A-18.3(o), (p), or (q) in accordance with N.J.A.C. 6A:23A-18.3(r).

For students who are transitioning back to a program of the sending district Board of Education or to a third-party location, for a portion of the enrolled school day and who require the services of an APSSD staff person, the ADE for tuition-rate purposes shall be computed in accordance with provisions outlined in N.J.A.C. 6A:23A-18.3(s).

For students who are transitioning back to a program of the sending district Board of Education or to a third-party location, for a portion of the enrolled school day, the APSSD shall compute the tuition rate in accordance with the provisions outlined in N.J.A.C. 6A:23A-18.3(t).

For tuition-rate purposes for a private placement student, the APSSD shall charge not less than the audited cost per student or shall finance by other means the costs that exceed the tuition rate charged.

N.J.A.C. 6A:23A-18.3

Adopted: 24 October 2019

6160 GRANTS FROM PRIVATE SOURCES

The Board of Trustees encourages the development of proposals to private foundations and other sources of financial aid to subsidize such activities as innovative projects, feasibility studies, long-range planning, and research and development. Any such activity must:

1. Be based on a specific set of project objectives that relate to the established goals of the school;

2. Provide measures for evaluating whether or not project objectives are being achieved; and

3. Conform to applicable State and Federal laws and to Board policies.

All grant proposals must be approved by the Board before being submitted to the funding agency. The Executive Director shall establish regulations for the processing of proposal ideas throughout the school.

Adopted: 24 October 2019

6162 CORPORATE SPONSORSHIPS

The Board of Trustees recognizes and appreciates the financial support received from Federal and State funding sources and from local taxpayers. The Board desires to expand revenue sources for the financial needs of the school and encourages financial support to the school from non-school sponsored organizations. A "corporate sponsor", for the purposes of this Policy, is a non-school sponsored person and/or organization that offers to provide support to the school through financial or material means in exchange for recognition and/or acknowledgement.

The Board believes school-community relationships based on sound principles and community input can contribute to maintaining and improving high quality education programs and facilities. Corporate sponsorship activities that are consistent with the goals and objectives of the school may be evaluated and recommended to the Board of Trustees for implementation within the school by the Executive Director. This Policy shall be administered to protect the school's name, students, and/or staff against exploitation.

Corporate Sponsorship Proposals

A potential corporate sponsor must submit a written corporate sponsorship proposal to the Executive Director. An organization's sponsorship activity may include, but is not limited to, financial support to a school curricular or co-curricular activity or program, a school facility improvement, and/or a school assembly program. No student or staff member will be required to participate in surveys and/or focus groups as a condition of a corporate sponsorship.

In appreciation for such sponsorship, the school will appropriately acknowledge the organization's contribution to the school. The acknowledgment may include a public address announcement at an activity, signage at the activity or on school grounds, or through other reasonable means. Posting of signs identifying the sponsor shall not be considered the school's endorsement of the product or service of a company.

The Board reserves the right to terminate the sponsorship at any time. Therefore, all corporate sponsorship proposals must include provisions for such termination, which may include the return of any funding, goods, and/or services provided to the school.

The corporate sponsorship proposal shall include the specific sponsorship activity, the proposed time period/duration of the activity, the requested acknowledgement, and the terms of termination in the event the Board decides to terminate such corporate sponsorship. The return of any benefits provided to the school as a result of the Board's termination will be limited to and in accordance with the provisions of the written corporate sponsorship proposal approved by the Board.

Board Approval of Corporate Sponsorship Activities

All corporate sponsorship proposals in excess of $1,000 are required to be approved by the Board upon the recommendation of the Executive Director. Corporate sponsorship proposals less than $1,000 may be approved by the Executive Director.

In the event there are competing proposals for the same or similar sponsorship, the Board President will designate an Ad Hoc Board Committee to review the Executive Director's recommendation to the Board. All corporate sponsorship proposals recommended by the Executive Director will be discussed at a public Board meeting with the proposal being included on the Board Meeting agenda in accordance with Bylaw 0164 – Conduct of Board Meetings.

Acceptance of Corporate Sponsorships

Any sponsored or donated material, equipment, personal property or other benefit derived by the school through corporate sponsorships will be held to the same standards used for school purchases. Corporate sponsorship proposals that provide gifts, grants, and donations to the school shall be accepted in accordance with the provisions of Policy 7230 – Gifts, Grants and Donations.

Applicable Laws

All corporate sponsorship proposals presented and approved by the Board shall be consistent with all school collective bargaining agreements, competitive bidding and purchasing laws, school policy and regulations, and all applicable Federal and State laws, administrative codes, rules, and regulations.

Adopted: 24 October 2019

6163 ADVERTISING ON SCHOOL PROPERTY

The Board of Trustees recognizes and appreciates the financial support received from Federal and State funding sources and from local taxpayers. The Board desires to expand revenue sources for the financial needs of the school and authorizes advertising on school property consistent with applicable State and local laws, codes, and ordinances. "School property" for the purposes of this Policy includes, but is not limited to: school owned real estate; school owned or leased buildings; school owned or leased vehicles, excluding school buses; school electronic communication medium including the school's website, school electronic communications, school television, and media productions; school sponsored content on mass media outlets; and any other method of electronic or print communications published or used by the school.

The Board of Trustees may enter into a contract for the sale of advertising space in school publications and print media.

The New Jersey Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., shall apply to any contract or agreement entered into by the Board for the purpose of advertising on school property. The Board will award a contract for advertising on school property after advertising for bids and bidding in accordance with the provisions of N.J.S.A. 18A:18A-4 or through the use of requests for proposals and competitive contracting in accordance with the provisions of N.J.S.A. 18A:18A-4.1 through N.J.S.A. 18A:18A-4.5. The Board may award advertising contracts that are under the bid threshold in accordance with the provisions of N.J.S.A. 18A:18A-1 et seq. All contracts for advertising on school property must be approved by the Board.

All bid specifications shall be in accordance with the provisions of N.J.S.A. 18A:18A-4 and all requests for proposals shall be in accordance with the provisions of N.J.S.A. 18A:18A-4.4 and shall be approved by the Board prior to advertising for bids or providing a request for proposals to potential vendors.

The bid specifications or requests for proposals for advertising on school property will include detailed requirements regarding advertising opportunities on school property.

Limitations on the content of advertisements on school property shall be consistent with the limitation provisions of N.J.A.C. 6A:27-7.11 – Limitations on Content of Advertisement on School Buses. The Board will not approve specifications or award an advertisement on school property contract if the advertisement or information contained in the advertisement:

1. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;

2. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not to be in good taste;

3. Promotes unlawful or illegal goods, services, or activities;

4. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;

5. Promotes the sale or use of products designed for use in connection with sexual activity;

6. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;

7. Declares or implies an endorsement by the Board of Trustees; or

8. Is political, religious, issue-related, controversial in nature, or not age appropriate.

The Board of Trustees will not allow any advertising on school property to become a public forum for dissemination, debate, or discussion of public issues. The Board has the authority to reject any and all bids or proposals for advertising on school property that it deems to be inappropriate or not in the best interest of the Board of Trustees, the school, or students.

An advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the Board. In the event an advertiser fails to provide service in accordance with the bid specifications and contract for advertisements, the advertiser shall be considered in breach of contract. Cancellation of the advertisement and/or enforcement of advertiser's performance bond may result.

The Board reserves the right, at its discretion and at any time, to reject any advertising copy, whether or not it has previously acknowledged and/or advertised the exact or similar copy. No advertising space may be used or re-sold by the advertiser for the promotion, either directly or indirectly, of any business, organization, or enterprise other than the one defined in the original contract for advertisement.

The advertiser will protect, defend, and save harmless the Board of Trustees from any suits or actions of every nature and description brought against it by reason of the advertisement.

N.J.S.A. 18A:18A-1 et seq.; 18A:18A-4; 18A:18A-4.1;
18A:18A-4.2; 18A:18A-4.3; 18A:18A-4.4
N.J.A.C. 6A:27-7.10; 6A:27-7.11; 6A:27-7.12

Adopted: 24 October 2019

6220P BOOKKEEPING AND ACCOUNTING - APSSD

A. The approved private school for students with disabilities (APSSD) shall maintain accounting and bookkeeping systems as prescribed in the New Jersey Department of Education's (NJDOE) Financial Accounting for New Jersey Private Schools for Students with Disabilities in accordance with the following standards outlined in N.J.A.C. 6A:23A-18.5:

1. The APSSD shall maintain accounts in accordance with generally accepted accounting principles (GAAP) as established by the Financial Accounting Standards Board (FASB) and recognized as authoritative by the American Institute of Certified Public Accountants, except as already modified in N.J.A.C. 6A:23A-18.5.

2. At a minimum, the APSSD shall use accrual accounting on a quarterly basis.

3. The APSSD shall capitalize fixed asset expenditures of $2,000 or more and depreciate such expenditures using the straight-line depreciation method and using a useful life consistent with current Federal tax law as defined in Internal Revenue Code Section 168 and class lives as defined in that section (also see IRS Publication 946), except for real property that may be depreciated using a useful life of fifteen years or the term of the original mortgage, whichever is greater.

4. The APSSD shall:

   a. Capitalize leasehold improvements made to an existing structure leased by the APSSD and depreciate the improvements using the straight-line method and a useful life equal to the lease's remaining term and any extension(s), but not less than five years;

   b. Depreciate any leasehold improvement(s) to which a related party(ies) is the lessor using the straight-line method and a useful life equal to the lease's remaining term and any extension(s), but not less than ten years;

   c. Not depreciate a leasehold improvement(s) made to a structure for any month(s) the structure is not in service as an APSSD, or in excess of amounts determined under A.4.a. or A.4.b. above for any fiscal year; and

d. Not depreciate a leasehold improvement(s) made to a structure that does not directly benefit public school placement students being educated or that is in excess of amounts determined pursuant to A.4.a., A.4.b., or A.4.c. above.

5. The APSSD shall maintain asset, liability, and net asset accounts, as well as expenditure and revenue accounts.

6. Nonprofit organizations shall maintain financial records on a fund basis which requires restricted or unrestricted donations to be maintained in funds separate from the public school restricted fund. Costs incurred as a result of restricted or unrestricted donations shall be charged to the appropriate fund and not through the public school restricted fund. Profit-making organizations shall maintain financial records on a modified fund basis.

7. A chart of accounts issued by the Commissioner of Education or his/her designee shall be maintained by each APSSD. A Uniform Minimum Chart of Accounts consistent with Financial Accounting for Local and State School Systems 2014, developed by the National Center for Education Statistics, incorporated herein by reference, as amended and supplemented as prepared, published and distributed by the Commissioner or his/her designee for use in the accounting systems of the APSSD shall be used for financial reporting to the NJDOE. Effective July 1, 2017, the NJDOE will not consider requests for approval to use an alternative chart of accounts. The APSSD that receives approval prior to July 1, 2017 to use an alternative chart of accounts may continue to do so.

   a. Effective July 1, 2018, the first $15,000 of attorney's fees or other costs per litigation and per fiscal year of costs incurred by the APSSD shall be included within the administrative cost category limits identified in N.J.A.C. 6A:23A-18.3(a)3. Costs for litigation above the first $15,000 per litigation and per fiscal year shall be outside the total cost category assignment as indicated in the NJDOE's chart of accounts pursuant A.7. above.

   b. For purposes of A.7.a. above, litigation means a suit brought by or against the APSSD for which a court of law or agency of the State or Federal government assigns a docket or other form of tracking number.

8. If multiple facilities for the APSSD have been approved, financial information in the bookkeeping records shall be segregated by facility. If the APSSD chooses to charge tuition rates by class type, financial information in the bookkeeping records shall be segregated by class type. Bookkeeping records shall include, but not be limited to:

   a. Cash receipts journal;

   b. Cash disbursement journal;

   c. General ledger;

   d. Tuition ledger;

   e. Payroll journal; and

   f. Fixed asset inventory.

9. The APSSD shall maintain documentation to verify all amounts recorded in the general ledger. Purchase orders shall be prepared in detail to document all payments for goods and services. Invoices or cash register receipts shall be attached to their related purchase orders to support all purchases of goods and services. Detailed vouchers signed by the payee shall be attached to their related purchase orders to support all payments for personal services, employee mileage reimbursements, or any payment for which invoices or cash register receipts are not used. All documentation shall be subject to audit by the NJDOE and shall support expenses charged by the APSSD in its audited financial statements.

10. The APSSD shall prepare a payroll that is supported by an accurate employee time record in a format prescribed or approved by the Commissioner or his/her designee signed by the employee and supervisor, prepared in the time period in which the work was done and completed semi-monthly, at a minimum. An employee time record shall be prepared for all employees of the APSSD including all administrative employees. Upon receipt of written approval from the Commissioner or his/her designee, APSSDs may use an electronic time record system in lieu of the Commissioner-prescribed format. Approval shall continue unless and until the APSSD alters the system or engages the services of a new provider for the electronic time record system.



11. At least quarterly, the APSSD shall prepare a financial report in a format prescribed or approved by the Commissioner or his/her designee for the school-year program. The financial report shall be submitted to the school's governing body and its acceptance shall be documented in the governing body's meeting minutes.

12. The APSSD shall maintain effective internal control practices, including, but not limited to, the separation of duties such as the recording and authorizing of checks and purchase approvals.

13. The APSSD shall use the Commissioner-prescribed mandated tuition contract for each student received from a sending district Board of Education. The mandated tuition contract may be revised by the APPSD or the sending district Board of Education with the Commissioner's prior written approval.

14. The APSSD that incurs contingent pay increases shall have an employee contract that contains the criteria by which the increase will be paid. Under no circumstances shall the APSSD employee's salary plus the contingent pay increase exceed the maximum allowable salary determined pursuant to N.J.A.C. 6A:23A-18.3(o), (p), or (q). The criteria shall be submitted to the Commissioner or his/her designee for approval prior to implementation. The APSSD shall make payment of the contingent pay increase upon achievement of the contractual contingencies as set forth in the approved plan. The payment shall be based upon measurable criteria and shall not be at the management's discretion. The employee contract shall contain the following:

    a. The date and signature of both the staff member and authorized APSSD representative;

    b. The average daily enrollment (ADE) contingency the APSSD must achieve to generate the increase; and

    c. The specific dollar amount or percentage of original contracted salary to be paid pursuant to A.14.b. above.

15. The APSSD that incurs merit pay increases shall have adopted a formal policy that outlines the criteria of the merit pay plan(s). The APSSD employee's salary plus the merit pay shall not exceed the maximum allowable salary determined pursuant to N.J.A.C. 6A:23A-18.3(o), (p), or (q). The plan(s) shall be submitted

for approval to the Commissioner or his/her designee prior to implementation. The APSSD shall accrue the merit pay and any resultant employer payroll tax expense in the fiscal year in which the merit pay is awarded. Payment of such merit pay increase upon achievement of the criteria set forth in the approved plan shall occur no later than the following January 31. The payment shall not be at the management's discretion. The plan(s) shall include the following:

a. Eligibility for all employees;

b. Basis by which the pay is earned;

c. The amount of the awards by plan(s);

d. The maximum number of awards to be given by plan(s) for each year; and

e. The date of Board approval and date of initiation of the plan(s).

16. An imprest balance petty cash fund shall be maintained upon annual approval in the minutes by the APSSD's governing body. Replenishments and reimbursements shall be supported by documentation. Undocumented outflows from petty cash shall be classified as a non-allowable cost. The imprest fund balance shall not exceed $1,500 and individual disbursements made shall not exceed $150, except in the case of an emergent condition.

17. A student activity fund shall be approved by the APSSD's governing body and supported by documentation. Revenues derived from public school placement tuition shall be used to supplement, not supplant, student contributions.

18. Mileage records shall be maintained for each school-owned vehicle, leased vehicle, or vehicle contained in a related party transaction involving the purchase of transportation services in a format prescribed by the Commissioner or his/her designee. The mileage records shall be maintained on a trip-by-trip basis and shall include any personal use including to/from work commutation. At the end of the fiscal year, the percentage determined by the total personal miles to total miles shall be applied to all costs associated with the vehicle(s) and the personal costs shall be excluded from the actual allowable costs. Vehicle costs may include, but not be limited to, depreciation, lease costs, gas, oil, repairs and maintenance, and insurance.

19. Upon request from the Commissioner or his/her designee:

    a. A profit-making APSSD shall submit a copy of its Internal Revenue Service (IRS) tax return for any fiscal year requested; and

    b. A nonprofit APSSD shall submit a copy of IRS form 990 for any fiscal year requested.

20. The APSSD shall maintain all pertinent financial record(s) for a period of seven years after the November 1 due date of the annual audited financial statement or until the Commissioner or his/her designee issues approval or adjustment to an independent auditor certified tuition rate.

21. A nonprofit entity that has chosen to cease operations as a nonprofit APSSD shall distribute its accumulated public school placement restricted working capital fund to each sending district Board of Education that had enrolled students during the APSSD's last five years of operation. Public school placement restricted working capital may be retained if an APSSD reconfigures its operations and continues to serve a majority of the same sending district Boards of Education from the last five years of operation.

    a. The distribution shall be based on the ratio of each sending district Board of Education's total average daily enrollment (ADE) in the APSSD for the last five years of operation to the APSSD's total ADE for the same period.

    b. Within ninety days of filing with the NJDOE the required year-end audited financial statements in accordance with N.J.A.C. 6A:23A-18.10, the APSSD shall submit to the Commissioner or his/her designee a listing of the total distribution of the public school placement restricted working capital fund, by the sending district Board of Education.

22. The APSSD shall ensure school staff; consultants; subcontractors, including members of a management company; and anyone working with students hold the proper school certification, license, or bachelor's degree required pursuant to N.J.A.C. 6A:23A-18.2 to provide the services being rendered.

B. The APSSD that receives a refund(s) from a current or prior-year expenditure, or that cancels an accounts payable, shall apply the refund or accounts payable as a reduction to the original general expenditure account charged to reduce the current-year expenditure account even if the original expenditure was not made in the current fiscal year.



C. The APSSD shall annually execute an employment contract with each school employee. The contract shall contain the following information:

1. The employee's name;

2. Date(s) of employment;

3. Work hours/durational term of employment;

4. Certification(s) and/or degree(s) held;

5. Certification(s) required for the job title;

6. A job description;

7. The job title;

8. All fringe benefits; and

9. The salary.

D. The APSSD that operates its educational program outside of a public school district shall request NJDOE approval to purchase or rent an administrative or business office at a location outside the APSSD's educational facility. Once received, an approval shall not require renewal unless and until the APSSD changes the location of its educational or administrative facility. At the NJDOE's request:

1. The County Office of Education may conduct an on-site facility review to determine if there is sufficient space at the APSSD's educational facility for these operations; and/or

2. The APSSD shall submit to the Commissioner or his/her designee documents that substantiate the need for additional space.

E. The APSSD shall ensure that its employees provide:

1. To the students, an instructional program for which the employees are compensated during the hours the school is in session; and

2. All administrative and business functions on the APSSD's premises, whether the premises are owned or leased by the APSSD, and during the APSSD's normal hours of operation except for meetings and/or conferences held offsite related to the job function. If the APSSD's facilities are not deemed feasible for any administrative or business function, the APSSD shall provide written justification to the Commissioner or his/her designee and request approval of a reasonable alternative work location.

F. The APSSD shall establish and maintain an employee handbook that shall be distributed to all staff each school year and made available to the NJDOE upon request. The APSSD's employee handbook shall include an outline of all employee fringe benefits. All employee fringe benefits shall be adopted at a Board of Trustees meeting and documented in the Board minutes prior to implementing the fringe benefit. Employee fringe benefits that are consistent with N.J.A.C. 6A:23A-18.6(a)23 for which costs are deemed allowable are as follows:

1. Health insurance coverage (including dental and vision) that complies with Federal and State laws, rules, and regulations, including payments to employees for a complete waiver of health insurance coverage that comply with the following:

   a. The payment for waiver of health insurance coverage shall not exceed $5,000 per fiscal year; and

   b. The employees shall provide, and the APSSD shall keep on file, documented evidence the employee had other valid health insurance coverage during the fiscal year.

2. Life insurance;

3. Type(s) and qualification for retirement plan(s);

4. Severance pay;

5. Vacation;

6. Long-term disability;

7. Sick day and personal day benefits;

8. Premium-only plans;

9. Cafeteria plans;

10. Section 125 plans;

11. Tuition reimbursement;

12. Health savings accounts (HSAs), medical savings accounts (MSAs), health flexible spending arrangements (FSAs), and health reimbursement arrangements (HRAs) established and maintained within applicable laws and regulations; and

13. Other benefits for which the APSSD has applied and received written approval from the Commissioner or his/her designee.

G. If the APSSD loans funds to any party it shall charge interest at a rate equal to the prime rate. An independent auditor shall compute imputed interest on funds that are loaned at less than the prime interest rate or interest free. Imputed interest revenue shall be netted first against short-term interest costs, and then against long-term interest costs incurred by the APSSD. If the APSSD has not incurred interest costs, the imputed interest revenue shall be netted against costs incurred in account numbers classified as undistributed expenditures - central services.

H. If the APSSD is nonprofit and has a positive public school placement restricted working capital fund balance, but reports a net deficit unrestricted fund balance for more than three consecutive fiscal year-ends shall submit to the Commissioner or his/her designee, within sixty days after the third fiscal year's end, a corrective action plan to reduce the net overall deficit fund balance. The nonprofit APSSD shall be subject to NJDOE monitoring to ensure implementation of and adherence to the corrective action plan. If the APSSD fails to eliminate the deficit by the end of year three, the APSSD shall be placed on conditional approval status until the deficit unrestricted fund balance is eliminated.

I. If the APSSD allows employees to accumulate and carry over from year to year unused sick and/or vacation leave the Board shall do so in accordance with Financial Accounting Standards Board Statement No. 43 Accounting for Compensated Absences (FASB; 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116) incorporated herein by reference, as amended and supplemented, and shall include the costs in program expenses in the appropriate cost category only in the year of payment.



J. The APSSD shall use job titles in use in public schools in accordance with N.J.A.C. 6A:9B, the list published each year by the Commissioner or job titles approved in accordance with N.J.A.C. 6A:9B-5.5.

K. The APSSD shall limit compensation increases after the start of the fiscal year to specific instances in accordance with N.J.A.C. 6A:23A-18.3(q), and when the increase:

1. Is due to a staff member's promotion that results in additional job responsibilities;

2. Is due to a staff member attaining a higher degree or certification;

3. Is due to a staff member's additional job responsibilities such as a coach, advisor, or mentor;

4. Is in accordance with A.14. or A.15. above; or

5. Has been approved by the NJDOE after review of a formal written request to the Commissioner or his/her designee documenting the facts supporting the increase.

L. The APSSD shall ensure individuals who are newly employed by the APSSD or new to the positions listed below on or after July 1, 2017, possess the appropriate master's degree or other required degree or certification as defined in N.J.A.C. 6A:23A-18.2. The APSSD shall ensure individuals employed or serving in the following positions on or before June 30, 2017 currently possess the appropriate bachelor's degree or other required degree or certification as defined in N.J.A.C. 6A:23A-18.2, or will be removed from the position:

1. Director;

2. Assistant Director;

3. Executive Director; and

4. Business Manager.

M. If the APSSD incurs costs for a retirement plan(s) in accordance with N.J.A.C. 6A:23A-18.6(a)31 and/or medical benefits for retired employees in accordance with N.J.A.C. 6A:23A-18.6(a)54 the APSSD shall include the costs in the certified actual cost per student only on the cash basis of accounting.

N. The APSSD shall have its paraprofessional staff approved in accordance with N.J.A.C. 6A:32-4.2 and any change(s) to an approved job description shall be resubmitted for approval.

O. The APSSD shall comply with the maximum salaries determined pursuant to N.J.A.C. 6A:23A-18.3(o) and (p) and restricted pursuant to N.J.A.C. 6A:23A-18.6(a)6, 8, and 9 regardless of the job titles used and whether they comply with the list of job titles published by the Commissioner or his/her designee.

P. Under no circumstances other than in accordance with K. above shall the APSSD provide compensation increases after the start of the fiscal year.

N.J.A.C. 6A:23A-18.5

Adopted: 24 October 2019

6340 MULTIPLE YEAR CONTRACTS

The Board of Trustees may enter a multiple year contract for goods and services permitted by law whenever the extended contract will serve the needs of the school and yield greater return for the expenditure.

The Executive Director is directed to investigate the advantage to the school of multiple year contracts. Investigation should include, but need not be limited to, a comparison of the costs of multiple year and single year contracts, an analysis of trends in the costs and availability of the goods or services to be provided, the projected needs of the school, and an inquiry into the reliability and stability of the vendor.

Except for those contracts exempted from the requirement by law, all multiple year contracts will contain a cancellation clause or a clause conditioning annual extension of the contract on the appropriation of sufficient funds to meet the Board's obligation.

All multiple year contracts must be approved by the Board.

Adopted: 24 October 2019

6450 CHOICE OF VENDOR

The Board of Trustees recognizes its position as a major purchaser of goods and services in the community served by the school. It is the intention of the Board to purchase goods and services of the requisite quality at the lowest possible cost and to invite widespread competition in order to achieve this end. Where all other considerations are equal, however, the Board will exercise a preference for dealing with established local merchants and service providers from within the boundaries of the school.

The Business Manager is authorized to place purchase orders with local merchants and providers when their prices and terms are competitive with other vendors. Nothing in this policy shall be deemed to circumvent the requirements of law regarding public purchasing.

All vendors shall supply assurances that they do not practice discrimination as described in the administrative code. All vendors shall be informed that harassment of any kind, of school students or employees by their representatives is prohibited.

Adopted: 24 October 2019

6470 PAYMENT OF CLAIMS

The Board of Trustees directs the prompt payment of legitimate claims by suppliers of goods and services to the school, provided that each bill or obligation of this Board is fully itemized and verified before a warrant is drawn for its payment.

When an invoice is received, the Business Manager or designee shall verify the voucher was properly submitted, acceptable goods were received or satisfactory services rendered, the expenditure is included in the Board's budget and funds are available for its payment, and the amount of the invoice is correct.

The Business Manager shall identify and investigate, if necessary, the reason for any increase to a purchase order. If it is found by the Business Manager that an increase to a purchase order is warranted, the Business Manager shall either approve a revision to the original purchase order with the reason noted, approve the issuance of a supplemental purchase order for the difference, or cancel the original purchase order and issue a new purchase order. If it is found an increase is not warranted, the purchase order shall be cancelled and the goods returned. In no instance shall an adjustment be made to a purchase order that changes the purpose or vendor of the original purchase order or a bid award.

The Business Manager shall review on a monthly basis edit/change reports listing all payments made in excess of the originally approved purchase order amount to ensure that all payments made are properly authorized.

If funds are not available in the budget line account to which the expenditure will be charged, funds may be transferred with Board approval.

The Board must approve all claims for payment, except such payments that are to be paid from funds derived from athletic events or other activities of student organizations.

All claims shall be fully itemized, verified, and shall be submitted for Board review and approval or ratification. Claims must be submitted to the Board in the form of a list that includes the number, amount, and date of the warrant; the payee; and the account charged.

The list of claims must be accompanied by the original records that include copies of the purchase order, the receiving report, the vendor's invoice, and the purchase requisition. The list of approved warrants will be included in the minutes of the Board meeting.

When a claim for payment is duly approved in accordance with this Policy, the Business Manager and/or a designated staff member shall promptly prepare a warrant for payment, cancel the commitment placed against the appropriate account, and post the actual expenditure. All warrants shall be signed by the _____, _____, and/or _____ as appropriate to the school.

Adopted: 24 October 2019

6471P TRAVEL - APSSD

The Board of Trustees of an approved private school for students with disabilities (APSSD) shall ensure the effective and efficient use of funds by adopting and implementing policies and procedures related to the use of funds for travel by its employees and officials in accordance with N.J.A.C. 6A:23A-18.21.

A. Definitions

1. "Travel expenditures" shall mean the costs paid by the APSSD, whether directly by the APSSD or by employee reimbursement, for travel by APSSD employees to training and seminars, conventions and conferences, and APSSD-sponsored events or attendance at meetings or conferences. Costs may include transportation, meals, lodging, and registration or conference fees directly related to participation in an event. Costs shall not include the cost of mileage reimbursement or tolls for travel carried out in the performance of regularly assigned job functions such as, but not limited to, travel between commonly owned APSSDs.

2. "Regular business travel expenditures" shall mean travel that is educationally necessary and fiscally prudent and shall be directly related to, and within the scope of, the employee's or APSSD's current responsibilities and/or professional development plan(s).

B. Travel Expenditure Limitation

1. The amount of travel expenditures included within the certified actual cost per student each year shall be the lesser of the following:

   a. One-quarter of one (.25) percent of an APSSD's total actual allowable costs in the current fiscal year, not including travel expenditures; or

   b. Twenty thousand dollars ($20,000).

C. Waiver of Travel Expenditure

1. The APSSD may apply for a waiver of the travel expenditure limitations in B.1. above. Waiver requests shall be in writing submitted to the Commissioner or his/her designee, prior to the end of the fiscal year for which the waiver is

sought. Waiver requests shall be submitted in advance of the travel and will be approved only in instances where the APSSD demonstrates that, due to the limitations imposed under B.1. above, APSSD staff attendance at a necessary or required professional development opportunity or training will result in non-allowable costs.

a.. The waiver application shall include:

i. The name, location, and date(s) of the event supported by a copy of the agenda or program for the event;

ii. A statement justifying the necessity for each staff member(s) attendance, including the primary purpose of the event, the relevance of the event to the staff member's work duties, and how the event will improve instruction or the operation of the APSSD; and

iii. A detailed budget for the event, including, but not limited to, the travel method(s) and cost, identification of the hotel or other accommodation and the rate per night, total meal allowance, and the cost of registration.

D. Non-Allowable Costs

1. Any travel expenditure(s) that exceeds the limits in B.1. above without an approved waiver shall be considered a non-allowable cost consistent with N.J.A.C. 6A:23A-18.6(a).

E. Ineligible Travel Expenditures

1. The following types of expenditures shall not be eligible for inclusion in the certified actual cost per student:

a. Travel expenditures by employees whose duties are unrelated to the travel event's purpose or who are not required to attend to meet continuing education requirements or to comply with law or regulation;

b. Travel by spouses, civil union partners, domestic partners, immediate family members, or other relatives or unrelated persons who are not school employees;

c. Costs for employee attendance for coordinating other attendees' accommodations at the travel event;

d. Lunch or refreshments for training sessions, professional development, and retreats held within the APSSD, including in-service days beyond the limitations of N.J.A.C. 6A:23A-18.6(a)18;

e. Training to maintain a certification that is not required as a condition of employment;

f. Charges for laundry, valet service, or entertainment;

g. Limousine services and chauffeuring costs to or during an event;

h. Alcoholic beverages;

i. Entertainment costs, including, but not limited to, amusement, diversion, and social activities, and any directly associated costs;

j. Gratuities or tips in excess of those permitted by the Federal per diem rates;

k. Hospitality rooms;

l. Souvenirs, memorabilia, promotional items, or gifts;

m. The cost associated with a conference, meeting, or seminar held in countries not contiguous to the United States; and

n. Other travel expenditures that are unnecessary and/or excessive.

N.J.A.C. 6A:23A-18.21

Adopted: 24 October 2019

6472 TUITION REIMBURSEMENT PLAN

All regular full-time employees of Essex Valley School, except employees on leaves of absence, are eligible to participate in the Tuition Reimbursement Plan for courses on a voluntary basis. Employees must obtain course approval from the Executive Director prior to beginning the course. Employees must be on the payroll at the beginning and end of the semester and course to be eligible for tuition reimbursement. If an employee terminates employment within one year after completion of a course, he or she must repay the school for the cost of the course(s).

Courses approved for tuition reimbursement will be limited to those offered by colleges and universities, any recognized secondary school, and other local institutions approved by the school. The school's Executive Director will be the sole judge in determining whether a given course will qualify under the plan. Staff members may contact the Executive Director or the Business Office for details about the tuition reimbursement plan.

Adopted: 24 October 2019

6520 PAYROLL DEDUCTIONS

The Board of Trustees shall, in accordance with law or employee authorization, make deductions from an employee's paycheck and remit the amounts deducted to the agent designated by the employee.

Deductions will routinely be made as required for Federal income tax, social security and medicare; New Jersey income tax, unemployment assistance, and other miscellaneous taxes; and by the New Jersey Division of Pensions.

Deductions may also be made, provided they have been duly authorized by the employee in writing, for contributions on the employee's behalf for:

1. The payment of premiums for group life, accidental death or dismemberment, hospitalization, medical, surgical, major medical, health and accident, and legal insurance plans, N.J.S.A. 18A:16-13; and

2. The employee's optional participation in a summer payment plan for repayment to the employee in installments over the summer months or by payment upon the death or termination of the employee, if earlier, N.J.S.A. 18A:29-3.

Contributions shall be made as soon as is reasonably possible after the funds have been deducted from an employee's salary. No contribution shall be made on behalf of an employee until the amount contributed has been deducted from the employee's salary.

An employee who wishes to pay into a tax sheltered annuity or mutual fund offered by a firm not approved by this Board for payroll deductions must make his/her payment individually.

No Board employee shall withhold or pay to another or purchase or have assigned, other than by court order, any compensation for the services rendered by an employee of this school.

Adopted: 24 October 2019



6620P PETTY CASH – APSSD

The Board of Trustees authorizes the establishment of petty cash funds in accordance with this Policy. The Board directs the implementation of appropriate controls to protect the funds from abuse. The petty cash fund shall be maintained upon annual approval in the minutes by the Board of Trustees. The petty cash balance for all accounts in the APSSD shall not exceed $1,500 and individual disbursements made shall not exceed $150; except in the case of an emergent condition.

The Board hereby establishes imprest petty cash funds in the care of the following persons and in the following amounts:

Account Title	Custodian(s)	Amount (Maximum amount for ALL petty cash accounts combined $1,500)	Maximum Single Expenditure (No more than $150)
Petty Cash	Business Office	$500	$150

Petty cash funds may be disbursed only for the immediate payment of comparatively small expenditures and may not be used to circumvent the regular purchasing procedures of this school. Each request for petty cash funds must be in a written document that is signed by the person making the request; supporting documents, if any, will be affixed to the request. Undocumented disbursements from any petty cash account shall be classified as a non-allowable cost pursuant to N.J.A.C. 6A:23A-18.6.

The custodian of a petty cash fund shall submit to the Business Manager a request for replenishment when the moneys available in the fund have declined to fifty percent or less of the authorized amount of the fund. The Business Manager shall prepare a voucher for approval by the Board. The voucher will include disbursement slips to support the amount of the replenishment and its allocation to any account.

The petty cash box must be secured daily. All petty cash funds will be closed out for audit at the end of the school year, and unused funds will be returned to the depository. The custodian of each fund will report to the Board on amounts disbursed from the fund not less than once each year.

N.J.A.C. 6A:23A-18.5(a)16

Adopted: 24 October 2019

6640 CAFETERIA FUND

The Board of Trustees directs that all moneys derived from the operation, maintenance, or sponsorship of the food service facilities of this school be deposited in the Nutrition Program, a special checking account, and shall be administered by the Business Office in the same manner as are other moneys belonging to the school.

The Business Manager is authorized to disburse funds from the Nutrition Program.

Adopted: 24 October 2019

6650 SCHOLARSHIP FUND

In order to administer special funds bequeathed to this school for scholarship purposes, the Board of Trustees requires each such fund to be deposited in a separate interest bearing bank account carrying the name of the fund.

The Business Manager is authorized to obtain interest for each scholarship fund at the fixed bank rate on such terms as may seem to him/her advisable and to make, execute, and deliver all instruments of assignment and transfer.

Disbursements from a scholarship fund shall be made by the Business Manager in accordance with a schedule having the prior approval of the Board.

N.J.S.A. 18A:11-1

Adopted: 24 October 2019

6700 INVESTMENTS

The Board of Trustees directs the prompt investment at interest of any unencumbered funds available for the discretionary use of the Board. Such funds may be invested in bonds or other obligations of the United States; bonds of those Federal agencies in which such investment is permitted by law; the New Jersey Cash Management Fund; bonds or obligations of a county, municipality, or school; and public depositories located within the boundaries of the State of New Jersey that secure public funds in accordance with statute.

The Business Manager is authorized to invest school funds in accordance with this policy.

Any interest earned on the investment of school funds will be combined with general school revenues.

The Business Manager shall report to the Board each month the cash in all accounts on deposit and all investment assets. The Business Manager shall report to the Board each month the amount of funds in investments, investment interest earned, and all investment transactions.

Adopted: 24 October 2019

6820P FISCAL AND BUDGET INFORMATION - APSSD

In accordance with a timeline and format prescribed by the Commissioner of Education or his/her designee the approved private school for students with disabilities (APSSD) shall submit information to the Commissioner or his/her designee including, but not limited to:

A. Fiscal and program information including:

1. The number of students served;
2. The number of each class type;
3. Number of school days;
4. The daily hours in session; and
5. Revenues, appropriations, and supporting documents.

B. Staffing information, including, but not limited to:

1. A staff roster, which may include requested information, such as names, job titles, salaries, hours worked, certification(s), degree(s), and license(s) held;

C. An affidavit the program meets the standards of and is conducted in full compliance with the Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1973; Title II and III of the Americans with Disabilities Act, P.L. 101-336; N.J.S.A. 18A:46-1 et seq.; N.J.A.C. 6A:23A-18; and N.J.A.C. 6A:14; and

D. An affidavit the owner(s)/operator(s) of the program is aware of the non-allowable costs contained in N.J.A.C. 6A:23A-18.6 and the costs charged as allowable costs in the APSSD's tuition rate are consistent with a student with disabilities' Individualized Education Program (IEP) and shall be reasonable, that is, ordinary and necessary and not in excess of the cost incurred by an ordinarily prudent person in the administration of public funds.

The New Jersey Department of Education (NJDOE) annually shall publish a Taxpayer's Guide to Education Spending for the APSSD.

The APSSD shall have a copy of the Board of Trustees' minutes or the minutes of the partners meetings for a partnership, available upon request by the NJDOE.

N.J.A.C. 6A:23A-18.16

Adopted: 24 October 2019

6830P AUDIT REQUIREMENTS - APSSD

A. Regardless of the approved private school for students with disabilities' (APSSD's) fiscal year, the APSSD shall submit to the Commissioner of Education or his/her designee audited financial statements based on the July 1 to June 30 school year. The audited financial statements shall be postmarked on or before November 1 or the following business day if November 1 falls on a weekend or holiday.

1. The APSSD shall engage to conduct the annual audit only an independent registered municipal accountant of New Jersey or an independent certified public accountant of New Jersey who holds a valid registration license as a public school accountant of New Jersey.

2. The APSSD shall ensure the auditor's independent status in accordance with the Code of Professional Conduct and General Principles and Responsibilities issued by and available from the American Institute of Certified Public Accountants (AICPA).

3. Additionally, upon review by the New Jersey Department of Education (NJDOE), an auditor shall not be considered independent if he or she may have been influenced by other parties, including, but not limited to, APSSDs directors or other staff, or by conflicting interests such as if the independent auditor or members of his or her firm are engaged to perform services other than the year-end audit and tax return functions for the APSSD. If the NJDOE determines an independent auditor engaged to conduct the APSSD's annual audit has not acted independently, the NJDOE may take any and all appropriate action.

B. The audit shall follow generally accepted auditing standards (GAAS), as set forth by the Auditing Standards Board (ASB) in the Codification of Statements on Auditing Standards, 2015, published for the American Institute of Certified Public Accountants, (1211 Avenue of the Americas, NYC, NY 10036-8775), incorporated herein by reference, as amended and supplemented, and when applicable; the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Audit issued by the Federal Office of Management and Budget; or State of New Jersey Department of the Treasury, Office of Management and Budget (NJOMB) Circular Letter 15-08-OMB, as amended and supplemented. The APSSD shall ensure the use of the auditing guidelines as published and distributed by the Commissioner or his/her designee.

1. The APSSD shall ensure the audit includes basic financial statements, required supplementary information, schedules, and narrative explanations.



C. The APSSD shall ensure the audited financial statements reflect the certified actual cost(s) per student as determined by an independent auditor and final tuition rate(s) charged at the end of the school year as determined by the APSSD's management.

D. The APSSD's management representative(s) shall discuss with the auditor the results of the auditor's determination of the certified actual cost per student for management to determine the final tuition rate charged as a result of the audit.

1. The APSSD shall charge as the final tuition rate an amount equal to or less than the certified actual cost per student.

2. The APSSD shall ensure the audit report contains a letter signed by both the independent auditor and an authorized school representative indicating both parties have met and discussed the audit, and the determination of the final tuition rate charged was a management decision.

E. Within sixty days of receipt of the year-end audit, the APSSD's management shall develop a corrective action plan pursuant to N.J.A.C. 6A:23A-18 et seq. in response to recommendations contained in the year-end audit, and shall submit the corrective action plan to the Commissioner or his/her designee for review and approval. The corrective action plan shall be on a form prescribed by the Commissioner or his/her designee.

F. The APSSD shall not amend the final tuition rate charged after approval by the Commissioner or his/her designee.

G. Any adjustment(s) that results from the approval following a compliance review of the audited financial statements performed by the Commissioner or his/his designee and that is in excess of $10.00 per sending district Board of Education shall be paid in accordance with N.J.A.C. 6A:23A-18.3(l) and (m).

H. The APSSD that files an audit postmarked after November 1 shall cause the tentative tuition rate per student for the ensuing school year to be calculated based upon the audited actual cost per student for the school year two years prior to the current school year and the provisions of N.J.A.C. 6A:23A-18.3(j) shall not apply.

I. Failure to comply with the provisions of N.J.A.C. 6A:23A-18.10 may result in the Commissioner or his/her designee placing the APSSD on conditional approval status.

J. Upon request, the APSSD shall submit to the NJDOE a copy of the APSSD corporation's agency-wide audited financial statements.

N.J.A.C. 6A:23A-18.10

Adopted: 24 October 2019

7000 PROPERTY

Number	Title
7230	Gifts, Grants, and Donations
7243	Supervision of Construction
7300.05P	Sale or Disposition of Capital Assets – APSSD
7410	Maintenance and Repair (M)
7420	Hygienic Management (M)
7421	Indoor Air Quality Standards
7422	School Integrated Pest Management Plan (M)
7424	Bed Bugs
7425	Lead Testing of Water in Schools
7430	School Safety (M)
7432	Eye Protection (M)
7433	Hazardous Substances
7434	Smoking in School Buildings and on School Grounds (M)
7435	Alcoholic Beverages on School Premises
7436	Drug Free Workplace (M)
7440P	School Security – APSSD (M)
7441P	Electronic Surveillance in School Buildings and on School Grounds – APSSD
7460	Energy Conservation
7480	Motor Vehicles on School Property
7490	Animals on School Property
7510	Use of School Facilities
7520	Loan of School Equipment
7522	School Provided Technology Devices to Staff Members
7523	School Provided Technology Devices to Students
7610	Vandalism

7230 GIFTS, GRANTS, AND DONATIONS

The Board of Trustees accepts its responsibility to provide from public funds sufficient supplies and equipment for an effective instructional program. The Board recognizes, however, that from time to time individuals or organizations in the community may wish to contribute additional supplies or equipment to enhance or extend the instructional program.

The Board may accept by resolution duly passed at a meeting any gift or grant of land, with or without improvement, and of money or other personal property. Grants of land are subject to the appropriate legal limitations and approvals.

The Board reserves the right to refuse to accept any gift that does not contribute toward the achievement of the goals of this school or any gift the ownership of which would tend to deplete the resources of the school. The Board shall not provide public moneys for the purchase of any school property on a matching fund basis.

Any gift accepted by the Board shall become the property of the Board, may not be returned without the approval of the Board, and shall be subject to the same controls and regulations as are other properties of the Board. The Board shall be responsible for the maintenance of any gift it accepts, subject to any joint agreement with another governmental body.

The Board will respect the intent of the donor in its use of a gift, but reserves the right to utilize any gift it accepts in the best interests of the students and the educational program of the school. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product or business enterprise or institution of learning.

The Executive Director shall:

1. Counsel potential donors on the appropriateness of contemplated gifts and encourage such donors to choose as gifts supplies or equipment not likely to be purchased with public funds;
2. Encourage individuals and organizations considering a contribution to the school to consult with the Principal or Executive Director before appropriating funds to that end;
3. Report to the Board all gifts that have been accepted on behalf of the Board;
4. Acknowledge the receipt of any gift accepted by the Board; and
5. Prepare fitting means for recognizing or memorializing gifts to the school.

Adopted: 24 October 2019

7243 SUPERVISION OF CONSTRUCTION

The Board of Trustees directs that the Executive Director be responsible for the supervision of all building construction. Supervision shall include field inspection of the contractor's operations, administrative review of the activities of the architect relating to the construction, and any other construction matters relating to the interests of the school.

The Executive Director shall report periodically to the Board that by his/her personal knowledge the work of the construction contractor and the architect is being performed in accordance with the plans, specifications, and contracts approved by the Board.

A change order involving additional cost will be submitted by the Executive Director for Board review.

Upon completion of a building project and a final inspection of all its aspects by the architect, contractors, and school officials, a recommendation for acceptance shall be made to the Board by the Executive Director.

Adopted: 24 October 2019

7300.05P SALE OR DISPOSITION OF CAPITAL ASSETS – APSSD

An Approved Private School for Students with Disabilities (APSSD) may sell or dispose of capital assets. The sale or disposition of such capital assets shall be in accordance with the provisions of N.J.A.C. 6A:23A-18.18 and any applicable Federal and State laws.

In the event of the bulk sale or non-bulk sale of the capital assets of an APSSD to any individual or entity, including another APSSD, the selling APSSD shall comply with the provisions of N.J.A.C. 6A:23A-18.18(a).

In the fiscal year of the sale or disposition pursuant to N.J.A.C. 6A:23A-18.18(a), the gain or loss on the sale of capital or non-capital asset(s) shall not be included in the calculation of allowable costs used to determine the certified actual cost per student, the calculation of surcharges pursuant to N.J.A.C. 6A:23A-18.7, or public school placement restricted working capital pursuant to N.J.A.C. 6A:23A-18.8.

In addition to the provisions of N.J.A.C. 6A:23A-18.18(a), the conditions outlined in N.J.A.C. 6A:23A-18.18(c)1 through N.J.A.C. 6A:23A-18.18(c)4 shall apply in the event of a sale of real property by an APSSD.

In the event of a sale of stock representing ownership of a profit-making APSSD, the new owner of the APSSD assumes the carryover book value of all assets and liabilities held by the profit-making APSSD. Any gain or loss on the sale of the stock shall be outside of the operations of the APSSD and shall not impact the calculation of the certified actual cost per student or the surcharge pursuant to N.J.A.C. 6A:23A-18.7 in the year of sale or disposition.

N.J.A.C. 6A:23A-18.18
The Uniform Minimum Chart of Accounts for New Jersey Public Schools & Approved Private Schools for Students with Disabilities

Adopted: 24 October 2019

7410 MAINTENANCE AND REPAIR

The Board of Trustees recognizes that the fixed assets of this school represent a significant investment of this community; their maintenance is, therefore, of prime concern to the Board.

Required maintenance activities, are those specific activities necessary for the purpose of keeping a school facility open and safe for the use or in its original condition, and for keeping its constituent building systems fully and efficiently functional and for keeping their warranties valid. The activities address interior and exterior conditions; include preventative and corrective measures; and prevent premature breakdown or failure of the school facility and its building systems.

Maintenance and repair requests and repairs shall be processed in accordance with the procedures as outlined in Regulation 7410.

Adopted: 24 October 2019

7420 HYGIENIC MANAGEMENT

The Board of Trustees recognizes that the health and physical well-being of the students and staff of this school depend in large measure upon the cleanliness and sanitary management of the school.

The Board directs that a program of hygienic management be instituted in the school and explained annually to all staff members. The school shall be inspected for cleanliness and sanitation by the Facilities Manager and Executive Director on a regular basis.

The Board will cooperate with the local board of health in the sanitary inspection of the school's toilets, washrooms, food vending machines, water supply, and sewage disposal systems.

The Executive Director shall prepare, in consultation with the school medical inspector, regulations, first aid and emergency medical procedures that utilize universal precautions in the handling and disposal of blood and body fluids, whether or not students or staff members with HIV infection are present. School staff members and volunteers shall be provided the supplies for implementing the procedures. In particular, school nurses, custodians, and teachers shall be trained in proper handling procedures. These regulations and procedures will comply with the regulations of the State Department of Health and State Department of Labor (OSHA Standards for Occupational Exposure to Bloodborne Pathogens) and recommendations of the Centers for Disease Control and Prevention.

Bloodborne Pathogens

The Board recognizes that school employees may in the performance of their duties reasonably anticipate contact with human blood or other potentially infectious body fluids that may expose them to bloodborne pathogens such as Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV). In accordance with Federal OSHA regulations, the Board will establish a written Exposure Control Plan designed to eliminate or minimize employee exposure to such infection. The plan shall list all job classifications and tasks in which exposure occurs; describe and require the implementation of workplace controls to eliminate or minimize exposure; require the provision of hepatitis B vaccination to employees who have occupational exposure; and require the provision of a training program for employees who have occupational exposure. The plan shall be updated annually and as required to include new or revised employee positions with occupational exposure. A copy of the plan shall be made accessible to employees.

Disposal of Medical Waste

The Executive Director shall prepare, in consultation with the school medical inspector, a medical waste disposal program to ensure all medical waste, including needles and sharps, are disposed of in accordance with the rules and regulations of the New Jersey Department of Health.

Chemical Hygiene

The Board also recognizes that certain school employees who work in laboratories may be exposed to hazardous chemicals in the course of their duties. In accordance with Federal OSHA regulations, the Board will establish practices that are capable of protecting employees from health hazards presented by hazardous chemicals used in the workplace. The plan shall contain the locations of hazardous chemicals and shall enunciate a plan capable of protecting employees from associated health hazards and keeping exposure of employees below specified limits. The Chemical Hygiene Plan shall be readily available to employees and shall contain at least the following elements:

1. Standard operating procedures for using hazardous chemicals in laboratory work;

2. Criteria that the Board will use to determine and implement control measures to reduce employee exposure;

3. The requirement that fume hoods and other protective equipment are functioning properly and that measures are taken to ensure adequate performance of such equipment;

4. Provision for employee information and training;

5. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the Principal before implementation;

6. Provisions for medical consultation;

7. Designation of personnel responsible for implementation of the chemical hygiene plan; and

8. Provisions for additional employee protection for work with particularly hazardous substances.

The Board directs that the program of chemical hygiene be implemented by the Chemical Hygiene Officer. The Facilities Manager will serve as Chemical Hygiene Officer for the school and shall be responsible for the examination of all school facilities to determine where hazardous chemicals are used and to ensure compliance of all school facilities with the Chemical Hygiene Plan.

The Executive Director shall develop and supervise a program for the cleanliness and sanitary management of the school building, school grounds, and school equipment pursuant to statute, rules of the State Board of Education, and regulations of the State Board of Health.

The day to day monitoring of the cleanliness of the school building shall be the responsibility of the Principal.

29 C.F.R. 1910

Adopted: 24 October 2019

7421 INDOOR AIR QUALITY STANDARDS

The Board of Trustees will provide air quality for school employees in the school building that meet the standards established by the New Jersey Department of Labor pursuant to N.J.A.C. 12:100-13.

The Board will designate the service worker as the individual, who is responsible to assure compliance with New Jersey Department of Labor standards. The designated person will assure that preventative maintenance programs for heating, ventilating and air conditioning (HVAC) systems are implemented and documented and that general and local exhaust ventilation is used for employees working with equipment or products that could reasonably be expected to result in hazardous chemicals or particulate exposure. The designated person shall check to make sure HVAC systems are working properly when the building temperatures are outside of the range of 68 to 79 degrees Fahrenheit and make sure buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational. The designated person will also promptly investigate all employee complaints of signs or symptoms that may be associated with building-related illnesses.

The Board will make sure air quality will be maintained at acceptable standards during renovation and remodeling that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health. The designated person will notify employees at least twenty-four hours in advance, or promptly in emergency situations of work to be performed on the building that may induce air contaminants into their work area.

The designated person will respond to a complaint received by the Department of Labor within fifteen working days of receipt of the complaint.

N.J.A.C. 12:100-13.2 et seq.
N.J.A.C. 5:23

Adopted: 24 October 2019

7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

The New Jersey School Integrated Pest Management Act of 2002 requires schools to implement a school integrated pest management policy that includes an Integrated Pest Management Plan. In accordance with the requirements of the Act, the Board shall ensure implementation of Integrated Pest Management (IPM) procedures to control pests and minimize exposure of children, faculty, and staff to pesticides. These procedures shall be applicable to all school property.

IPM Coordinator (IPMC)

The Facilities Manager and the Principal shall be designated as the school's Integrated Pest Management Coordinator (IPMC) and is responsible for the implementation of the school integrated pest management policy.

Integrated Pest Management Procedures in Schools

Implementation of Integrated Pest Management (IPM) procedures will determine when to control pests and whether to use mechanical, physical, cultural, biological, or chemical methods. Applying IPM principles prevents unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment.

The Integrated Pest Management Coordinators (IPMC) shall consider the full range of management options, including no action at all. Non-pesticide pest management methods are to be used whenever possible. The choice of using a pesticide shall be based on a review of all other available options and a determination that these options are not effective or not reasonable. When it is determined that a pesticide must be used, low impact pesticides and methods are preferred and shall be considered for use first.

Development of IPM plans

The Executive Director, in collaboration with the school Principal(s) and the IPMC, shall be responsible for the development of the IPM Plan for the school. The school's Integrated Pest Management (IPM) Plan is a blueprint of how the school will manage pests through IPM methods. The school's IPM Plan will state the school's goals regarding the management of pests and the use of pesticides for all school property. The Plan will reflect the school's site-specific needs and a description of how each component of the school's Integrated Pest Management Policy and Regulation will be implemented for all school property.

Education/Training

The school community will be educated about potential pest problems and IPM methods used to achieve the pest management objectives.

The IPMC, other school staff, and pesticide applicators involved with implementation of the school's IPM policy will be trained in appropriate components of IPM as it pertains to the school environment.

Students and parents will be provided information on this policy and instructed on how they can contribute to the success of the IPM program.

Recordkeeping

Records of pesticide use shall be maintained on site to meet the requirements of the State regulatory agency and the Board.

Records shall also include, but are not limited to, pest surveillance data sheets and other non-pesticide pest management methods and practices utilized.

Notification/Posting

The Principal, working with the IPMC, is responsible for timely notification to students, parents and the school staff of pesticide treatments pursuant to the School Integrated Pest Management Act.

Re-entry

Re-entry to a pesticide treated area shall conform to the requirements of the School Integrated Pest Management Act.

Pesticide Applicators

The IPMC shall ensure that applicators follow State regulations, including licensing requirements and label precautions, and must comply with all components of the School Integrated Pest Management Policy.

Evaluation

The Executive Director will report annually to the Board on the effectiveness of the IPM Plan and make recommendations for improvement as needed.

The school's Integrated Pest Management Plan, Policy and Regulation shall be implemented not later than June 12, 2004. The Board directs the Executive Director to develop Regulations/Procedures for the implementation of School Integrated Pest Management Plan.

N.J.S.A. 13:1F-19 through 13:1F-33

Adopted: 24 October 2019

7424 BED BUGS

The Board of Trustees is concerned for students who may have bed bugs in their home with the potential for these students to bring bed bugs into the school building. Bed bugs can be transmitted from one location to another in backpacks, clothing, books, and other items. A bed bug infestation is unlikely in a school and the Board adopts this Policy as a proactive action to prevent infestation and to stop bed bugs from spreading within the school setting if a bed bug is transmitted into a school.

Bed bugs are parasitic insects that feed exclusively on blood and are mainly active at night, but are not exclusively nocturnal. A common bed bug prefers human blood and typically feeds on their hosts without being noticed. Bed bugs are not known to transmit disease, but cause reasonable distress and health concerns for many people. The presence of bed bugs in a home does not mean the home is unclean, bed bugs can be found in any home.

Bed bugs typically do not infest people as they hide during the day and come out during the night. Bed bugs are attracted to humans primarily by carbon dioxide, warmth, and by some chemicals. Bed bugs prefer exposed skin, preferably the face, neck, and arms of a sleeping person. Bed bug bites may lead to a range of skin manifestations from no visible effects to prominent blisters. The bite usually produces a swelling with no red spots, but when many bugs feed on a small area, reddish spots may appear after the swelling subsides. Effects also may include skin rashes, psychological effects, and allergic symptoms.

Any staff member who observes what may be bed bug bites on a student shall send the student to the school nurse. The school nurse shall examine the student to determine if there are any bed bugs present on the student or if the bites may be bed bug bites. The school nurse will inform the Principal and contact the student's parent on the results of the examination.

In the event the school nurse observes what appears to be a bed bug on the student or on the student's possessions, the school nurse will inform the Principal who will arrange for a licensed pest management professional to complete an inspection of the student's classroom(s) to determine if bed bugs are present in the classroom area. If a licensed pest management professional cannot complete an inspection within twenty-four hours of the request from the school, the school custodial staff will vacuum the student's classroom(s) with a vacuum cleaner using a new vacuum cleaner bag and when finished the staff member shall seal the bag and discard it in a receptacle outside the school building. If the vacuum does not have a bag, the contents of the vacuum shall be emptied into a secure plastic bag, sealed, and discarded into a receptacle outside the school building. The Principal shall determine if the classroom(s) should be occupied by staff and students until the inspection by a licensed pest management professional is conducted.

In the event the inspection determines bed bugs are in the school, the area(s) where bed bugs have been found or could be found will be treated by a licensed pest management professional.

The parent of any student who is found to have a live bed bug on them will be contacted by the school nurse and the parent will be required to pick-up their child to arrange for the child to return home to change clothes and to inspect any items the student brings to school. Upon the student's return to school, the student will be required to report to the school nurse who will examine the child and the child's possessions. If there are no signs of bed bugs on the student or in or on the student's possessions, the student will be able to resume their school day. The school nurse may determine to examine the child subsequent to their initial return to school to ensure the student and possessions are free of bed bugs. In the event the nurse finds live bed bugs on the student or in or on the student's possessions upon the student's initial return to school, or upon any subsequent examination by the school nurse, the school nurse will contact the parent and require the parent to pick-up the student from school.

The Principal, in consultation with the school nurse, will determine if the parents of other students should be informed of the presence of bed bugs in an area of the school where their child may have been or is during the school day. This determination will be made on a case-by-case basis. Parents of other students may not be informed if bed bugs are found on a student or in or on the student's possessions, and are not found in the school building. The school will comply with all notification requirements and other requirements of the New Jersey Pest Management Act, the school's Pest Management Plan, and any other applicable law.

Any student suspected of having bed bugs in their home or on or in their possessions will be treated with discretion, dignity, and respect. The school will offer the student counseling, if needed. The Principal or designee will work sensitively with parents of any student living in an infested home to develop strategies for preventing the further spread of bed bugs.

Adopted: 24 October 2019

7425 LEAD TESTING OF WATER IN SCHOOLS

The health, safety, and welfare of the children in the school are of utmost importance to the Board of Trustees. The potential exposure to lead-contaminated drinking water poses serious health problems, particularly for children, as well as for teachers and school personnel, since the risk of lead contamination can come from pipe and plumbing fixtures in school facilities or on school grounds. The Board shall assure the availability of potable drinking water through sanitary means in school facilities or on school grounds. The Board of Trustees shall provide, in accordance with N.J.A.C. 6A:26-12.4, testing for lead in all sources of drinking water.

The Board shall conduct lead sampling and analysis in all drinking water outlets to which a student or staff member has or may have access in each school facility, other facility, or temporary facility, as soon as practicable, but no later than July 13, 2017, unless the school qualifies for an exemption in accordance with N.J.A.C. 6A:26-12.4(d)(h)(i). This testing shall be conducted with a lead sampling plan in accordance with N.J.A.C. 6A:26-12.4(d)1, 2, and 3, and shall be in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1.

Within twenty-four hours after the Board or designee has completed a review of final laboratory results in accordance with the provisions of N.J.A.C. 6A:26-12.4(e), the test results shall be made publicly available at the school facility and on the Board of Trustees' website. If any results exceed the permissible lead action level, the Board shall provide written notification to the parents of all students attending the facility, facility staff, and the New Jersey Department of Education. This notification shall include: a description of the measures taken by the Board or designee to immediately end the use of each drinking water outlet where the water quality exceeded the permissible lead action level; the measures taken to ensure that alternate drinking water has been made available to all students and staff members; and information regarding the health effects of lead in accordance with N.J.A.C. 6A:26-12.4(e)1 and 2. After the initial screening, the Board will conduct these lead screenings every six years and shall sample for lead after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet, in accordance with N.J.A.C. 6A:26-12.4(f)1 and 2.

The Board shall submit to the New Jersey Department of Education by June 30 of each year a statement of assurance, that the school completed lead testing in accordance with N.J.A.C. 6A:26-12.4; that notifications were provided consistent with N.J.A.C. 6A:26-12.4; and that alternative drinking water continues to be made available to all students and staff, if necessary, pursuant to N.J.A.C. 6A:26-12.4(g).



The Board may apply for reimbursement for the costs of any water supply testing and analysis conducted, in accordance with N.J.A.C. 6A:26-12.4(j).

N.J.S.A. 58:12A-1 et seq.
N.J.A.C. 6A:26-12.4

Adopted: 24 October 2019

7430 SCHOOL SAFETY

The Board of Trustees recognizes that it is required by law to take measures for the safety of students and school employees.

The Board shall provide, publish, and post rules for safety and the prevention of accidents; instruct students in safety and accident prevention; provide protective devices where they are required by law for the safety of students and employees; and provide suitable and safe equipment where such equipment is necessary for the conduct of the educational program and the operation of the school.

The Executive Director shall prepare regulations governing school safety and the prevention of accidents and fire that include as a minimum the requirements of law and the applicable rules of various departments of State government. Such regulations shall provide procedures and precautions for the safety of students in school, employees in the performance of their duties, users of school vehicles, students in transit to and from school, injured students and employees, and visitors to the school. Safety regulations shall be promulgated to all school employees and shall be reviewed and evaluated annually. The Executive Director is directed to instruct teaching staff members in proper safety precautions.

Adopted: 24 October 2019

7432 EYE PROTECTION

The Board of Trustees directs the rigorous implementation and enforcement of eye safety practices for students, staff members, and visitors exposed to conditions potentially hazardous to the eyes in the instructional program of this school.

The Executive Director shall be responsible for the continual monitoring of the school program, including, but not limited to, all vocational education, industrial arts education, science education, technology education and arts education, for conditions under which students, staff members, or visitors are exposed to a process or activity that might have a tendency to cause damage to the eyes.

Each student, staff member, and visitor exposed to a condition identified as hazardous to the eyes must wear an eye protective device appropriate to the activity and certified to meet the standards established by the State Board of Education, the American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1979, and American National Standard Practice for the Safe Use of Lasers, ANSI Z136.1-1986 and the New Jersey Administrative Code. The eye protective device shall be supplied by the Board, except that the student, staff member, or visitor may wear personal eye wear that is appropriate to the activity and certified, in writing, by a licensed optician or other qualified licensed eye professional to meet or exceed those standards. School owned eye protective devices shall be inspected regularly by the appropriate staff member, and defective or poorly fitting devices shall be returned to the Principal for repair or discard. Any shared eye protective devices shall be disinfected between uses by the method prescribed by the school medical inspector.

Each classroom, shop, laboratory, and other area of the school in which students or staff members are exposed to caustic materials that can cause damage to the eyes shall be equipped with an emergency eye wash fountain in accordance with standards established by the Department of Education.

The Principal shall ensure that each area in the school identified as housing an activity hazardous to the eyes shall be posted with conspicuous signs that warn participants that an appropriate eye protective device must be worn during the activity. Staff members of such activities are responsible for instructing students in appropriate eye safety practices and for serving as exemplary models in the implementation of such practices.

The Board authorizes each staff member responsible for an activity or process hazardous to the eyes to compile and maintain, for the duration of the course of study, a list of students in the course who wear contact lenses.

A student who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices shall be dismissed from the day's class by his/her teacher. Any such dismissal from class will be considered to be an absence, in accordance with Board policy on student attendance, and an accumulation of such absences may result in loss of course credit.

A staff member who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices may be disciplined for insubordination for failing to obey the rules established by this Board. The proper implementation of eye protection practices shall be a criterion in the evaluation of every staff member required to observe such practices.

A visitor to the school who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices may be requested to leave the school premises.

The Executive Director shall promulgate regulations to implement this policy that conform to rules of the State Board of Education and shall provide in-service training to staff members whose instructional duties include activities hazardous to the eyes. The Executive Director shall report annually to the Board on the implementation of the eye protection program and the eye injuries, if any, occurring in the course of the instructional program.

Adopted: 24 October 2019

7433 HAZARDOUS SUBSTANCES

The Board of Trustees will enforce the law governing hazardous substances in the school. Employees of this school shall be informed of the hazards related to the handling of certain substances and trained to work with hazardous substances.

Hazardous substance means any substance or substance in a mixture included on the hazardous substance list developed by the New Jersey Department of Health and Senior Services. Hazardous substances shall not include:

1. Any article containing a hazardous substance if the hazardous substance is present in a solid form which does not pose any acute or chronic health hazard to any person exposed to it;

2. Any hazardous substance constituting less than one percent of a mixture unless the hazardous substance is present in an aggregate amount of five hundred pounds or more in a container in a public or private school or child care center building;

3. Any hazardous substance which is a special health hazardous substance constituting less than the threshold percentage established by the Department of Health and Senior Services pursuant to P.L.1983, c.315 (C.34:5A-1 et seq.), for that special health hazardous substance when present in a mixture;

4. Any hazardous substance present in the same form and concentration as a product packaged for distribution and use by consumers and which is not a product intended primarily for commercial use;

5. Any fuel in a motor vehicle;

6. Tobacco or tobacco products;

7. Wood or wood products;

8. Foods, drugs, or cosmetics;

9. Hazardous substances which are an integral part of a building's structure or furnishings;

10. Products which are personal property and are intended for personal use; and

11. Any substance used in the routine maintenance of a public or private school or child care center building or its grounds, any substance used in a classroom science laboratory, any substance used in a school occupational training facility, including laboratories and shops, and any substance used in the normal operation of the classrooms or administrative offices of a public or private school or child care center, including any substance used in the heating or cooling of the school or child care center.

No person shall use or allow the use of any hazardous substance in or on any building or grounds used as a public school or child care center when children are expected to be present.

The Executive Director may delegate authority for the maintenance of hazardous substances and for the development of safety and training standards for the handling of such substances to a safety officer.

The Facilities Manager shall conduct periodic audits of hazardous substances in use in the school, ascertain that such substances are being handled in accordance with appropriate safety requirements, and determine that the employees who are required to handle hazardous substances are properly equipped to do so.

The Facilities Manager shall inform the Executive Director of all hazardous substances in use in the school, the purpose of each, and the precautions required for each. The Executive Director shall take such action as may be necessary and feasible to minimize the use of hazardous substances in the school.

The Executive Director shall report periodically to the Board on hazardous substances in school use and the purpose of each.

N.J.S.A. 34:5A-1 et seq.; 34:5A-10.1 et seq.
N.J.A.C. 6A:16-1.4; 6A:19-10.5
N.J.A.C. 8:59-1 et seq.

Adopted: 24 October 2019

7434 SMOKING IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

The Board of Trustees believes that the right of persons to smoke must be balanced against the right of nonsmokers to breathe air untainted by tobacco smoke.

For 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.

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.

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 school or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School 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; 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 has exclusive use of a portion of such land.

The Board prohibits smoking at all times anywhere in school buildings or on school grounds.

Notwithstanding any provision of this Policy, smoking by students is prohibited and governed by Policy 5533P.

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. Students and school employees who violate the provisions of this Policy shall be subject to appropriate disciplinary measures and may be subject to fines in accordance with law.

The Principal or designee may order the departure and removal of any person who continues to smoke in violation of this Policy and the law after being ordered to stop smoking in school buildings or on school grounds. The Principal or designee may request the assistance of law enforcement to accomplish this departure and removal.

Adopted: 24 October 2019

7435 ALCOHOLIC BEVERAGES ON SCHOOL PREMISES

The knowing possession, without express authorization of the Board, of any alcoholic beverage by is prohibited.

The Board of Trustees prohibits the possession and consumption of an alcoholic beverage, without the express written permission of the Executive Director, by any person in any school building and on school property or at any school sponsored activity.

School employees who violate this policy or are present on school premises or at any school sponsored activity while under the influence of alcohol will be subject to discipline, which may include dismissal.

N.J.S.A. 2C:33-15 et seq.
N.J.S.A. 24:21-2 et seq.

Adopted: 24 October 2019



7436 DRUG FREE WORKPLACE

The Board of Trustees prohibits the unlawful manufacture, distribution, dispensing, possession or use of any controlled dangerous substance by any person in any school building, on school grounds, or during any activity or event sponsored by the Board.

Every employee of this school must, as a condition of employment, agree to be bound by this policy. An employee who violates the prohibitions or reporting requirements of this policy will be subject to discipline, which may include dismissal, or certification of charges, as appropriate. An employee whose involvement with drugs results in a conviction for a crime of the third degree or above or for an offense touching his/her position will be deemed to have forfeited his/her public employment, pursuant to N.J.S.A. 2C:51-2.

An employee who is convicted of a drug related offense must report the conviction to the Executive Director within five days of its occurrence. The Executive Director will, within ten days of the date on which notice of the conviction is received, report any such conviction resulting from drug use in the workplace to any Federal agency from which the school has received funds through a grant.

The Board directs the Executive Director to establish and maintain a program to:

1. Alert employees as to the dangers of drug abuse in the workplace;
2. Inform employees of the prohibitions against drugs set forth in this policy;
3. Inform employees of available drug counseling, rehabilitation, and assistance programs; and
4. Warn employees of the penalties that may be imposed for violations of prohibitions set forth in this policy.

The Board will report to law enforcement officials and prosecute as appropriate any employee or visitor who violates the prohibitions of this policy. A student or employee who violates this policy will be treated in accordance with law and Policy Nos. 3218, 4218, and 5530.

This policy will be distributed to each school employee, including all those engaged in the performance of services under a Federal grant, and will be prominently posted in the school.

41 U.S.C.A. Chapter 10
34 CFR 85.600 et seq.
N.J.S.A. 2C:33-15 et seq.
N.J.S.A. 24:21-2 et seq.

Adopted: 24 October 2019

7440P SCHOOL SECURITY - APSSD

The Board of Trustees believes the buildings and facilities of the school represent a substantial investment. The Board directs the development and implementation of a plan for school security to protect the APSSD's school buildings and facilities.

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

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.

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.

Adopted: 24 October 2019

7441P ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS – APSSD

The Board of Trustees authorizes the use of electronic surveillance systems in school buildings and on school grounds to enhance the safety and security for school staff, students, community members, and other building occupants and to protect the school's buildings and grounds.

The content produced by the surveillance system under certain circumstances may be considered a student record and if so it will be subject to the Board of Trustees policy and regulation regarding confidential student records. If the content of the surveillance system becomes the subject of a disciplinary proceeding, it shall be treated like other evidence in the proceeding.

The Board of Trustees shall post signage in a prominent, public place in buildings and on school grounds where electronic surveillance equipment may be used.

In addition to posting, the school shall notify school staff members, parent(s), and students that electronic surveillance may be used in school buildings and on school grounds through publication in student and staff handbooks, school calendars, notice sent home with students, or any other effective means to publish the school's use of electronic surveillance equipment in school buildings and on school grounds.

Adopted: 24 October 2019

7460 ENERGY CONSERVATION

The Board of Trustees is committed to the conservation of natural as well as fiscal resources and directs the Executive Director to develop and implement regulations for the conservation of energy in the management of the school building.

The Board further directs all employees of this school to cooperate in the program of energy conservation.

Adopted: 24 October 2019

7480 MOTOR VEHICLES ON SCHOOL PROPERTY

The school grounds owned and maintained by this Board of Trustees are subject to damage by motor vehicles. Accordingly, the Board has provided areas, adjacent to the school building, in which employees of the school and visitors to the school may drive and park motor vehicles.

The Board prohibits the use or presence of any motor vehicle, including motorcycles, all-terrain vehicles, snow mobiles, and mopeds, for any purpose on any part of the school property owned by the Board other than the driving and parking areas established by the Board except as expressly permitted by the Executive Director or Assistant Director.

The Board directs the Executive Director to have conspicuous notices posted forbidding the parking of motor vehicles in undesignated areas of the school grounds.

The Board reserves the right to prosecute in a court of competent jurisdiction any person whose violation of this rule results in damage to the property of this school.

Adopted: 24 October 2019

7490 ANIMALS ON SCHOOL PROPERTY

The Board of Trustees will make every reasonable effort to maintain school grounds in a condition appropriate for the activities of school students.

Pet animals are not permitted on school grounds, except by the express permission of the Principal. Without such permission, a pet owner who brings or permits his/her animal on school grounds has committed an act of trespass. If an animal is found running at large on school grounds, its owner will be deemed to have permitted the animal to enter school property.

The Board directs the Principal to give notice regarding the prohibition of pets by posting appropriate signs on school property. The Principal shall report to the appropriate municipal authorities any pet that runs at large on school property and any pet owner whose animal is present on school property is in violation of this policy.

Adopted: 24 October 2019

7510 USE OF SCHOOL FACILITIES

The Board of Trustees believes the school facilities of this school should be made available for community purposes, provided that such use does not interfere with the educational and co-curricular programs of the school. 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 Executive Director. 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 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 West Caldwell Recreation Department with the Assistant Director's approval.

The use of school facilities will not be granted for any purpose that is prohibited by law.

Each user shall present evidence of the purchase of organizational liability insurance to the limit as prescribed by school regulations. Each user shall inspect any facility or school grounds to be used prior to such use and shall notify a school representative of any existing safety or dangerous conditions. In the event such conditions exist, the school 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 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 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 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 directly related to the educational program and school operations shall be without cost to the user except that the user shall be responsible for any custodial costs incurred by the use and any fees charged by a law enforcement agency in connection with the use.

2. All other organizations or persons granted the use of school shall pay in advance the scheduled fee and the cost of any additional staff services required by the use.

The Executive Director 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.

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

Adopted: 24 October 2019

7520 LOAN OF SCHOOL EQUIPMENT

The Board may lend specific items of equipment to staff members on the written request of the staff member when approval has been granted by the Executive Director and when such equipment is unobtainable elsewhere.

School equipment may be loaned to students when such equipment is necessary. The consent of the Principal is required for such removal.

The user of school owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, regardless of any assignment of negligence, and shall be responsible for its safe return. When equipment authorized for loan requires the services of a qualified operator, the user shall employ the services of a person designated by this school and shall pay such costs as may have been set for such services. Parents shall be responsible for completing a consent form accepting the equipment and responsibility for its return to the school in the same condition as when it was loaned.

Adopted: 24 October 2019

7522 SCHOOL PROVIDED TECHNOLOGY DEVICES TO STAFF MEMBERS

The Board of Trustees may provide technology devices to staff members for the express purpose of enhancing productivity and improving operational efficiency. The purpose of this Policy is to establish general guidelines for the issuance and utilization of any school technology device provided to staff members. For the purposes of this Policy, "technology device" or "device" shall include, but not be limited to, portable devices such as computers, laptops, tablets, cellular telephones, or any other computing or electronic devices the school provides to staff members to be used in their school business related responsibilities.

A technology device provided by the school to a staff member may include pre-loaded software. A staff member shall not download additional software onto the technology device or tamper with software included on the technology device. Only school authorized staff members may load or download software onto a school provided technology device. A staff member(s) will be designated to administer and implement the issuance of school technology devices to staff members.

In the event the Board of Trustees provides a technology device to a staff member, the staff member shall be required to sign an agreement with the Board of Trustees requiring the staff member to comply with certain provisions. These provisions may include, but are not limited to:

1. A technology device provided to a staff member shall be used for the sole and express purpose of conducting official school business;

2. Use of all such devices is subject to the school's acceptable use of technology policies and any other Board policies regarding appropriate and acceptable conduct by a staff member;

3. All technology devices are considered the personal property of the Board of Trustees and shall be returned upon termination of employment with the school or immediately upon request by the Executive Director or designee;

4. Technology devices provided by the school to staff members may include the school's software image and pre-loaded software for specific tasks. The installation of other software images or software on such technology devices may only be done by school authorized staff members;



5. Staff members that are provided technology devices are expected to take all appropriate measures and precautions to prevent the loss, theft, damage, and/or unauthorized use of such technology devices. These appropriate measures and precautions for school provided technology devices to staff members shall include, but are not limited to, the following:

   a. Keep the technology device in a locked and secured environment when not being used;

   b. Do not leave the technology device in a vehicle for prolonged periods of time, especially in extreme temperatures;

   c. Keep food and drinks away from all technology devices and work areas;

   d. Prohibit the use of any technology device by any other person except as authorized by the Executive Director or designee;

   e. Do not leave the technology device unattended at any time in an unsecured location (e.g., an unlocked empty classroom or office); and

   f. Keep the technology device in sight at all times while in public places, such as public transportation, airports, restaurants, etc.

6. Should the staff member have reason to believe the technology device may have been stolen, the staff member must:

   a. Immediately report the incident to his/her immediate supervisor;

   b. File an official police report documenting the theft; and

   c. Provide a copy of the police report to his/her immediate supervisor.

   If a staff member fails to adhere to these procedures, the staff member will be held legally and financially responsible for the replacement of such technology device. A staff member may be financially responsible for the loss or damage of a technology device;

7. A staff member must contact the school designated staff member in the event the technology device is not functioning properly or for repairs and/or required maintenance;



8. The Board of Trustees is under no legal, financial, or other obligation to provide a replacement technology device to any employee whose device is lost, stolen, or damaged;

9. Any technology device provided to a staff member is the property of the Board of Trustees. As such, the staff member shall have no expectation of privacy in the use of such device. The technology device may have security settings, monitoring or auditing software, tracking technology, and any other software that could monitor the use of the technology device;

10. The staff member(s) designated to administer and implement the issuance of technology devices to staff members shall:

    a. Maintain direct oversight of the inventory of devices, service contracts, agreements, and internal controls for all school provided technology devices provided to staff members; and

    b. Ensure compliance with regulatory policies and procedures as applicable.

11. Any violation of Board of Trustees policies or procedures including, but not limited to, school provided technology devices to staff members; acceptable use of computer networks, computers, and resources; and/or inappropriate staff conduct may result in appropriate disciplinary action.

A copy of this Policy shall be attached to the agreement that shall be signed by any staff member who receives a technology device in accordance with the provisions of this Policy.

Adopted: 24 October 2019

7523 SCHOOL PROVIDED TECHNOLOGY DEVICES TO STUDENTS

The Board of Trustees may provide technology devices to students in the school for school authorized use only. The purpose of this Policy is to establish general guidelines for the issuance and utilization of any school technology device provided to students of this school. For the purposes of this Policy, "technology device" or "device" shall include, but not be limited to, portable devices such as computers, laptops, tablets, cellular telephones, or any other computing or electronic devices the school provides to students to be used as part of their educational program.

A technology device made available to students will not be considered a textbook or supply, as defined in N.J.S.A. 18A:34-1, mandatory to a successful completion of the classroom curriculum. Therefore, because a technology device defined in this Policy is not mandatory to a successful completion of a student's classroom curriculum, a student will not be required to obtain a technology device provided by the school as defined in this Policy. In the event the school provides a technology device that is deemed mandatory to a successful completion of the classroom curriculum, the school will provide students with such a technology device consistent with its textbook or supply policies. Nothing in this Policy prohibits a student from using their personal technology device in accordance with school rules and regulations.

A technology device provided by the school may include pre-loaded software. A student is prevented from downloading additional software onto the technology device or tampering with software installed on the technology device. Only school authorized staff members may load or download software onto a school provided technology device.

To receive a school provided technology device, the parent and student must sign a School Provided Technology Device Form requiring the parent and the student to comply with certain provisions. These provisions may include, but are not limited to:

1. A school provided technology device must be used only by the student for school authorized use;

2. A student shall comply with the school's acceptable use of technology policies, which shall be attached to the School Provided Technology Device Form, in their use of any school provided technology device;

3. Any school provided technology device loaned to a student must be returned to the school in the condition it was initially provided to the student considering reasonable use and care by the student;

4. The parent or student shall be responsible to reimburse the school the cost of any technology device that is lost, damaged beyond reasonable use or beyond its value, abandoned, missing, stolen, or cannot be returned to the school in accordance with the terms of the School Provided Technology Device Form;

5. The school may require, or offer as an option, depending on the type of technology device provided to the student, an insurance policy to be purchased by the parent or student that would cover certain losses or damage to a technology device during the time period the student has possession of the device. The parent or the student shall pay any insurance policy required deductibles in the event of a loss;

6. In the event the school does not require the purchase of an insurance policy for a technology device or the parent or student elects not to purchase optional insurance, the parent and/or student shall be responsible for any loss or damage to the technology device in accordance with the terms of the School Provided Technology Device Form;

7. A student will be required to report any hardware or software problems in the operation of the device to the school staff member, designated on the School Provided Technology Device Form, within two school days of the commencement of the problem;

8. A student must report to the school staff member designated on the School Provided Technology Device Form within two school days in the event the technology device has been damaged or is missing;

9. A parent or student is required to immediately file a police report in the event it is believed the technology device has been stolen. Within one school day after filing a police report, a parent or student shall complete the School Provided Technology Device Loss Form and submit the completed Loss Form and a copy of the police report to the Principal or designee;

10. A student shall be required to provide routine cleaning and care of the device in accordance with school cleaning and care guidelines;

11. The student shall have the technology device in their possession in school as required; and

12. Any other provisions the Executive Director determines should be included on the School Provided Technology Device Form.

Students shall comply with all school policies for the use of a school provided technology device. A student shall be subject to consequences in the event the student violates any school policy, including the school's acceptable use policies; student code of conduct; any provision of this Policy; or any provision of the School Provided Technology Device Form.

N.J.S.A. 18A:34-1
N.J.S.A. 18A:36-39

Adopted: 24 October 2019

7610 VANDALISM

The Board of Trustees believes that all school property should be respected and all persons who use or have access to school property should respect such property and take pride in the institutions of this community and the school.

Any person who purposely or knowingly damages school property or damages school property recklessly or negligently in the employment of fire, explosives or another dangerous means listed in accordance with N.J.S.A. 2C:17-2 or purposely or recklessly tampers with the tangible property of the school so as to endanger school property shall be reported to the appropriate law enforcement agency. Where the damage to school property is more than minimal or has been caused by a student or a minor not a student of this school, the Board will hold liable for the amount of the damage to the parent and control of the minor responsible for the damage.

A person convicted of an offense that involves an act of graffiti will be required to reimburse the school the cost of damages and may be required to perform community service, which may include removing the graffiti from the property, in accordance with the law. In addition, the courts may suspend or postpone driving privileges of any person, at least thirteen and under eighteen years of age, if convicted of an act of graffiti.

A person who purposely defaces or damages school property with any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability is guilty of a crime and shall be reported to appropriate law enforcement authorities. The Board may also report to the appropriate law enforcement agencies any person whose vandalism of school property is serious or chronic.

The Executive Director shall develop regulations to implement this policy and to protect textbooks, school equipment, and school facilities from undue wear, damage, or loss.

N.J.S.A. 2C:33-10 et seq.

Adopted: 24 October 2019

8000 OPERATIONS

Number	Title
8130	School Organization (M)
8210	School Year
8220	School Day
8310P	Inspection of Records – APSSD
8320	Personnel Records
8330	Student Records (M)
8335	Family Educational Rights and Privacy Act
8420	Emergency and Crisis Situations (M)
8431	Preparedness for Toxic Hazard
8441	Care of Injured and Ill Persons (M)
8442	Reporting Accidents
8451	Control of Communicable Disease (M)
8453	HIV/AIDS
8454	Management of Pediculosis
8461P	Reporting Violence, Vandalism, Harassment, Intimidation, Bullying, Alcohol, and Other Drug Offenses - APSSD (M)
8462P	Reporting Potentially Missing or Abused Children – APSSD (M)
8465	Hate Crimes and Bias-Related Acts (M)
8467	Weapons (M)
8468	Crisis Response
8500P	Child Nutrition – APSSD
8505	Local Wellness Policy/Nutrient Standards for Meals and Other Foods (M)
8506	School Lunch Program Biosecurity Plan (M)
8507	Breakfast Offer Versus Serve (OVS) (M)
8508	Lunch Offer Versus Serve (OVS)
8540	School Nutrition Programs
8561	Procurement Procedures For School Nutrition Programs – APSSD (M)
8600	Transportation (M)
8630P	Bus Driver/Bus Aide Responsibility – APSSD (M)
8660	Transportation by Private Vehicle (M)
8710	Property Insurance
8740	Bonding
8750	Employee Indemnification
8810	Religious Holidays
8820	Opening Exercises/Ceremonies

8130 SCHOOL ORGANIZATION

The Executive Director shall continually monitor the effectiveness of the school organizational plan and recommend to the Board such modifications in the plan as may be in the best interest of students, make most effective use of school resources, and serve the educational goals of the Board.

Adopted: 24 October 2019

8210 SCHOOL YEAR

The Board of Trustees recognizes that the preparation of a school calendar is essential to orderly educational planning and to the efficient operation of the school.

The Executive Director shall recommend a school calendar to be adopted by the Board.

Adopted: 24 October 2019

8220 SCHOOL DAY

The school will be in session for students on those days recommended by the Executive Director and approved by the Board.

The Executive Director or designee may close the school, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. The Executive Director or designee shall prepare rules for the proper and timely notification of concerned persons in the event of any emergency closing of the school.

Adopted: 24 October 2019

8310P INSPECTION OF RECORDS - APSSD

All financial and accounting records maintained by the approved private school for students with disabilities (APSSD), as required by N.J.A.C. 6A:23A-18.14, shall be open during normal business hours for review and audit by the Commissioner of Education or his/her designee(s) for the period indicated in N.J.A.C. 6A:23A-18.5(a)20.

All financial and accounting records maintained by a related party, as defined by N.J.A.C. 6A:23A-18.6(a)45, that pertain to a transaction(s) or the relationship between the related party and the APSSD shall be open during normal business hours for review and audit by the Commissioner or his/her designee(s) for the period indicated in N.J.A.C. 6A:23A-18.5(a)20.

All auditor's workpapers used in the preparation of the year-end audited financial statements shall be open during normal business hours for review by the Commissioner or his/her designee(s) for the period indicated in N.J.A.C. 6A:23A-18.5(a)20.

N.J.A.C. 6A:23A-18.5; 6A:23A-18.6; 6A:23A-18.14

Adopted: 24 October 2019

8320 PERSONNEL RECORDS

The Board of Trustees believes that the orderly operation of the school requires the retention of all records bearing upon an employee's qualifications for employment and employment history.

The Board requires that sufficient records be compiled and maintained to demonstrate an employee's qualifications for the position assigned; compliance with Federal, State, and local benefit programs; conformity to school rules; the proper conduct of evaluations; and the employee's entitlement, as appropriate, to seniority.

The Executive Director shall be responsible for the custody and maintenance of personnel records. A single, central file of documents shall be maintained; temporary, subsidiary records will be permitted for ease in data gathering only. An employee's personnel file shall be maintained for six years following his/her termination of school service, provided the employment history record card is maintained a minimum of eighty years.

Records maintained in the personnel files of this school are not public records and are not open to inspection except as provided for in this policy. Board minutes and other public records of this school and any computerized files maintained by this school may include only an employee's name, title, position, assignments, salary, payroll record, length of service in the school and in military service, the date and reason for separation from service in this school, and the amount and type of pension a former employee receives.

Personnel records may be inspected by school administrators to the extent that such inspection is required in the performance of the inspector's duties.

Board members may have access to confidential information in the personnel files of only those employees recommended for or subjected to an employment action requiring a vote of the Board or where access to the information is essential for the performance of the Board member's duties. Board member access to personnel files is limited to the relevant portion of the file and is available only through the Executive Director. Board members may freely inspect employment applications filed by candidates for school positions.

An employee may inspect his/her personnel file provided that the employee requests such access in writing, reviews the record in the presence of the administrator designated to maintain the file, makes no alteration or addition to the file nor removes any material from it, and signs a log attached to the file indicating the date on which it was inspected.

An employee may appeal to the Executive Director the inclusion or exclusion of records or for appropriate administrative review of the accuracy of any record in his/her personnel file.

The Executive Director shall prepare rules enumerating the records to be maintained for each employee of this school, including, as a minimum and as appropriate to the position, the completed application form, employment contract(s), a copy of the employee's qualifying certification, transcripts, report of an employment physical examination, oath of allegiance, criminal background check, income tax forms, retirement registration, hospitalization forms, annuity forms, rate of compensation, attendance record, assignments to positions, completed evaluations, reports of disciplinary incidents, records of special awards or distinctions, and reports of annual or special physical and mental examinations.

Adopted: 24 October 2019

8330 STUDENT RECORDS

The Board of Trustees believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the school's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board. All student records will be returned to the student's home school district upon the student leaving the Essex Valley School.

The Executive Director shall prepare, present to the Board for approval, and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education.

General Considerations

The Board of Trustees shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1 et seq. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record. The school shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The school shall make every effort to notify parents and adult students in their dominant language.

Nothing in this Policy shall be construed to prohibit certified school personnel from disclosing student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

No liability shall be attached to any member, officer, or employee of the Board of Trustees permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq.

Student Information Directory

A student information directory is a publication of the Board of Trustees that includes information relating to a student as defined in N.J.A.C. 6A:32-2.1. This information includes: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information. The student information directory shall be used only by authorized school personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. In the event the school publishes a student information directory, the Executive Director or designee will provide a parent or adult student a ten-day period to submit to the Executive Director a written statement prohibiting the school from including any or all types of information about the student in any student information directory before allowing access to such directory to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and P.L. 107-110 sec. 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001.

School Contact Directory for Official Use

A school contact directory for official use is a compilation by the school that includes the following information for each student: name; address; telephone number; date of birth; and school enrollment. The school shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory. The student contact directory may be provided for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. To exclude any information from the school contact directory for official use the parent, adult student, or emancipated minor shall notify the Executive Director or designee in writing.

Mandated and Permitted Student Records

Mandated student records are those records schools have been directed to compile by State statute, regulations, or authorized administrative directive in accordance with N.J.A.C. 6A:32-7.3.

Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare. The Board shall authorize the permitted records to be collected by adopting Policy and Regulation 8330, which will list such permitted records.



Maintenance and Security of Student Records

The Executive Director or designee shall be responsible for the security of student records maintained in the school. Policy and Regulation 8330 assure that access to such records is limited to authorized persons.

Records for each individual student may be stored electronically or in paper format. When student records are stored electronically, proper security and back-up procedures shall be administered.

Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record. Records shall be accessible during the hours in which the school program is in operation.

Any school internet website shall not disclose any personally identifiable information about a student without receiving prior written consent from the student's parent, in accordance with the provisions of N.J.S.A. 18A:36-35. Personally identifiable information means student names; student photos; student addresses; student e-mail addresses; student phone numbers; and locations and times of class trips.

Access to Student Records

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

The school shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5.

The school may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.



Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records.

Nothing in N.J.A.C. 6A:32-7.1 et seq. or in Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with N.J.A.C. 6A:32-7 – Student Records, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

Conditions for Access to Student Records

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. shall have access to the records of a student subject to conditions outlined in N.J.A.C. 6A:32-7.6(a).

Rights of Appeal for Parents and Adult Students

Student records are subject to challenge by parents and adult students on the grounds of inaccuracy, irrelevancy, impermissive disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons in accordance with N.J.A.C. 6A:32-7.7(a).

To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the parent or adult student shall follow the procedures pursuant to N.J.A.C. 6A:32-7.7(b).

Appeals relating to student records for students with disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b).

Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for disagreement with the decision made in the appeal. Such statements shall be maintained as part of the student record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.



Retention and Disposal of Student Records

A student record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school. The school shall retain the student health record and the health history and immunization record according to the School Records Retention Schedule, as determined by the New Jersey State Records Committee.

Student records of currently enrolled students, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of after the information is no longer necessary to provide educational services to a student and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b).

Upon graduation or permanent departure of a student from the school, the parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition shall be in accordance with the provisions of N.J.A.C. 6A:32-7.8(c)2.

No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school of last enrollment, graduation, or permanent departure of the student from the school shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4; 18A:40-19
N.J.A.C. 6A:32-7.1; 6A:32-7.2; 6A:32-7.3; 6A:32-7.4; 6A:32-7.5;
6A:32-7.6; 6A:32-7.7; 6A:32-7.8

Adopted: 24 October 2019

8335 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Board of Trustees policies and regulations will be in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA). FERPA affords parents and adult students certain rights with respect to the student's education records. FERPA requires the school to provide parents and adult students the right to inspect and review the student's education records within forty-five days of the day the school receives a request for access, to request an amendment(s) of the student's education records the parent or adult student believes are inaccurate, and to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA permits disclosure of student records without consent if the disclosure is to school officials with legitimate educational interests. FERPA permits the school to disclose education records without a parent's or adult student's consent to officials of another school in which a student seeks or intends to enroll. FERPA requires a school to make a reasonable attempt to notify the parent or adult student of the records request unless it states in its annual notification that it intends to forward records on request.

The parent or adult student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

20 U.S.C. Sec. 1232g. – The Family Educational Rights and Privacy Act

Adopted: 24 October 2019

8420 EMERGENCY AND CRISIS SITUATIONS

The Board of Trustees recognizes its responsibility to provide for the safety and security in each school building. The school will develop and implement written plans and procedures to provide for the protection of health, safety, security, and welfare of the school population; the prevention of, intervention in, response to and recovery from emergency and crisis situations; the establishment and maintenance of a climate of civility; and supportive services for staff, students, and their families.

The Executive Director or designee shall consult with law enforcement agencies, health and social services provider agencies, emergency management planners, and school and community resources, as appropriate, in the development of the school's plans, procedures, and mechanisms for school safety and security. The plans, procedures, and mechanisms shall be consistent with the provisions of N.J.A.C. 6A:16-5.1 and the format and content established by the Domestic Security Preparedness Task Force, pursuant to N.J.S.A. App. A:9-64 et seq., and the Commissioner of Education and shall be reviewed annually, and updated as appropriate.

A copy of the school's safety and security plan shall be disseminated to all school employees. New employees shall receive a copy of the school's safety and security plan, as appropriate, within sixty days of the effective date of their employment. All employees shall be briefed in writing, as appropriate, regarding updates and changes to the school safety and security plan.

The school shall develop and provide an in-service training program for all school employees to enable them to recognize and appropriately respond to safety and security concerns, including emergencies and crisis, consistent with the school's plans, procedures, and mechanisms for school safety and security and the provisions of N.J.A.C. 6A:16-5.1. New employees shall receive this in-service training, as appropriate, within sixty days of the effective date of their employment. This in-service training program shall be reviewed annually and updated, as appropriate.

At least one fire drill and one school security drill will be conducted each month within school hours, including any summer months, which the school is open for instructional programs. A school security drill means an exercise, other than a fire drill, to practice procedures that respond to an emergency situation including, but not limited to, a non-fire evacuation, lockdown, bomb threat, or active shooter situation that is similar in duration to a fire drill. Schools are required to hold a minimum of two active shooter, non-fire evacuation, bomb threat, and lockdown security drills annually. Fire alarm systems shall be initiated only during a fire drill evacuation. Responses made necessary by the unplanned activation of emergency procedures or by any other emergency shall not be substituted for a required school security drill.



The Principal or designee will provide local law enforcement or other emergency responders, as appropriate, with a friendly notification at least forty-eight hours prior to holding a school security drill. Although these outside agencies are not required to observe school security drills, the Principal is encouraged to invite representatives from local law enforcement and emergency responder agencies to attend and observe at least four different security drills annually.

Such drills and in-service training programs shall be conducted in accordance with a building security drill guide and training materials that educate school employees on proper evacuation and lockdown procedures in a variety of emergency situations on school grounds as provided by the New Jersey Office of Homeland Security and Preparedness.

The school will be required to annually submit a security drill statement of assurance to the New Jersey Department of Education by June 30 of each school year. The school will be required to complete a security drill record form as required by the New Jersey Department of Education.

N.J.S.A. 2C:33-3
N.J.S.A. 18A:41-1 et seq.
N.J.A.C. 6A:16-5.1; 6A:27-11.2

Adopted: 24 October 2019

8431 PREPAREDNESS FOR TOXIC HAZARD

The Board of Trustees is concerned for the safety of the students and staff members assigned to this school and will take reasonable steps to protect students and staff members from hazards that may result from industrial accidents beyond the control of school officials.

The Board will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will, in accordance with procedures prepared by the Executive Director, identify potential sources of toxic hazard and develop a plan that includes preventive and remedial measures to be followed in the event students and staff members are exposed to a toxic hazard. The plan will also include a system for the periodic evaluation of school environments.

The THP Officer will enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard. The Board may, in its discretion, appoint and charge an ad hoc committee of community representatives to assist the THP Officer.

The plan for toxic hazard preparedness developed by the THP Officer and approved by this Board will be disseminated to the public. Teaching staff members will be instructed in the specific measures to be taken when toxic hazard is present and in the recognition of toxic hazards in the environment. A teaching staff member who detects a toxic hazard in school shall immediately notify the school Principal and the school nurse or, in the absence of either, the person authorized to perform that office.

Nothing in this policy should be construed in any way as an assumption of liability by the Board of Trustees for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

N.J.S.A. 13:1K-19 et seq.
N.J.S.A. 34:5A-1 et seq.
N.J.A.C. 6A:16-1.4
N.J.A.C. 7:1G-2.1
N.J.A.C. 8:59-1.4

Adopted: 24 October 2019



8441 CARE OF INJURED AND ILL PERSONS

The Board of Trustees will provide the prompt and appropriate medical attention for students, staff members, or visitors who are injured or become ill on school grounds or during a school sponsored event, activity, or field trip.

Any injury or illness shall be reported immediately to the school nurse or, in the absence of the school nurse, the Principal or designee. Immediate steps may be taken as necessary to remove the injured or ill person from danger and/or to prevent exacerbation of the injury or illness. Basic first aid may be administered by school personnel to ensure the safety and comfort of the injured or ill person until the school nurse or other medical professional arrives on the scene.

The parent of an injured or ill student and, if necessary, the family of an injured or ill staff member or visitor will be notified promptly of the injury or illness and the ongoing health status of the injured or ill person. If the school nurse or school physician or, in the absence of both, the Principal or designee determines the injured or ill person should receive a medical examination from their medical professional, the parent or family member will be required to remove the injured or ill person from the school or school event or activity. In the event a serious health emergency occurs on school grounds or during a school sponsored event, activity, or field trip, emergency medical assistance will be contacted.

In the event it is determined by the school nurse and/or a medical professional that a student shall be immediately transported to a hospital or other emergency medical facility, a school staff member, if a parent or their designee is not on the scene, shall accompany the student to a hospital or other emergency medical facility.

The school nurse(s), in consultation with the school physician, will develop basic emergency first aid procedures for the emergency treatment of an injury or illness in the event a school staff member may be in the position to provide emergency first aid until the school nurse or other medical professional arrives on the scene.

Injuries and disabilities that occur in the course of the athletic program are subject to the provisions of Policy 2431 and implementing regulations. Student disabilities attributable to substance abuse will be handled in accordance with Policy 5530. Injuries that occur in the course of school bus transportation will be handled in accordance with regulations implementing Policy 8630P.

Adopted: 24 October 2019

8442 REPORTING ACCIDENTS

The Board of Trustees directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of this school. To that end and to the end that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, an employee of the Board, or a visitor to the school must be reported promptly and in writing to the school Business Office. Injured persons shall be referred immediately to the school nurse for such medical attention as may be appropriate.

The injured employee or visitor or the staff member responsible for an injured student shall complete a form, available in the office of the Principal, that includes the date, time and place of the incident; the names of persons involved; the nature of the injury, to the extent that it is known; and a description of all relevant circumstances.

A copy shall be retained by the Principal and a copy shall be sent to the Business Office.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the Principal or job supervisor, as appropriate, no later than twenty-four hours following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

Adopted: 24 October 2019



8451 CONTROL OF COMMUNICABLE DISEASE

The Board of Trustees recognizes that control of the spread of communicable disease is essential to the well-being of the school community and to the efficient operation of the school.

The Board shall be bound by the statutes and by rules of the State Board of Education for the exclusion and readmission of students who have contracted a communicable disease and of teachers and students who have been exposed to a communicable disease and for the instruction of teachers in health and the prevention of disease. The Board shall comply with regulations of the New Jersey Department of Health and the local and county Board of Health governing the prevention, control, and reporting of communicable disease.

The teacher may exclude from the classroom and the Principal may exclude from the school building any student who appears to be ill or has been exposed to a communicable disease. A student may be isolated in school to await the arrival of or instructions from an adult member of his/her family. If the school medical inspector or the school nurse is present in the building, his/her recommendation shall be sought before any such exclusion or isolation is ordered.

Any student retained at home or excluded from school by reason of having or being suspected of having a communicable disease shall not be readmitted to his/her classroom until he/she presents written evidence of being free of communicable disease. That evidence may be supplied by the school medical inspector or another qualified physician who has examined the student.

Any student or adult who has weeping skin lesions that cannot be covered shall be excluded from school.

The Executive Director shall develop procedures for the control of communicable disease that include the instruction of teaching staff members in the detection of disease and measures for its prevention and control; the removal from school premises to the care of a responsible adult for students identified and excluded in accordance with this policy; the preparation of standards for the readmission of students who have recovered from communicable disease; the provision of appropriate home instruction to excluded students in accordance with law; and the filing of reports as required by law.

N.J.S.A. 18A:40-3; 18A:40-7 et seq.
N.J.S.A. 26:4-4; 26:4-6
N.J.A.C. 6A:16-1.4
N.J.A.C. 8:57-1.3; 8:57-1.6; 8:57-2.1 et seq.

Adopted: 24 October 2019



8453 HIV/AIDS

The Board of Trustees will comply with rules of the State Board of Education and the State Department of Health and Senior Services with regard to the admission and employment of persons who may be diagnosed with Acquired Immune Deficiency Syndrome (AIDS) or infected with Human Immunodeficiency Virus (HIV). "AIDS" means a condition affecting a person who has a reliably diagnosed disease that meets the criteria for AIDS specified by the Center for Disease Control of the United States Public Health Services. "HIV infection" means infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS. Laboratory results indicative of infection with HIV shall mean laboratory results showing the presence of HIV or components of HIV, or laboratory results showing the presence of antibodies to HIV, or results from laboratory tests conducted to measure the presence of HIV RNA (viral load tests), such as quantitative PCR tests.

AIDS or HIV infection shall not be considered a communicable disease for purposes of admission to or attendance in a school or for eligibility for educational transportation.

In accordance with N.J.A.C. 6A:16-1.4(a)8, no person, student or employee, will be excluded from school solely because he/she is infected with HIV or lives with or is related to a person infected with HIV. Students infected with HIV, including those who may be symptomatic or diagnosed with AIDS, may be excluded from school only as a student not infected with HIV or diagnosed with AIDS may be excluded from school. A school employee infected with HIV may be restricted in his/her employment only if the employee has another illness that would affect his/her employment.

Any student excluded from the regular school program will be provided with home instruction in accordance with rules of the State Board of Education and Policy 2412.

No student, staff member, or visitor may attend or visit school if he/she has an uncoverable and/or uncovered weeping skin lesion, whether or not the person has been screened for HIV.

It is not required that anyone in the school be especially notified that an HIV-infected student or employee is present. School employee physicals, student physicals and athletic physicals do not require disclosure of HIV status. Records of health and medical examinations should not include information about an individual's infection with HIV. Therefore, HIV/AIDS status is an exception to records required pursuant to student physical examinations, N.J.A.C. 6A:16-2.2, and school employee physical examinations, N.J.A.C. 6A:32-6.1 et seq. In the event the school nurse or a school official is apprised that a student or employee is HIV-infected, the fact of the infection will be held in strict confidence and will not be classified as a communicable disease for admission, local health reporting or educational transportation.



Information that identifies a student as having an HIV infection or AIDS shall be shared only with prior written informed consent of the student age twelve or greater, or of the student's parent(s)/legal guardian(s) as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the student. The person who receives such information shall not reveal it to any other person without the express written consent of the minor student's parent(s) or legal guardian(s), or the adult student.

N.J.S.A. 26:5C-5; 26:5C-6; 26:5C-7; 26:5C-8;
26:5C-9; 26:5C-10; 26:5C-11;
26:5C-12; 26:5C-13; 26:5C-14
N.J.A.C. 6A:16-1.3; 6A:16-1.4; 6A:16-1.5; 6A:16-3.2; 6A:32-9.1
N.J.A.C. 8:57-2.1 et seq.

Adopted: 24 October 2019

8454 MANAGEMENT OF PEDICULOSIS

The Board of Trustees recognizes the need to maintain a healthy learning environment for all children in the school. One way to maintain this healthy learning environment is to manage pediculosis, a condition of a person having head lice. Head lice are very small insects that have claws that cling to hair and spend their entire life cycle on the heads of people. Head lice do not spread any diseases and having head lice is not prevented by personal or household cleanliness, use of shampoos, or length of hair. All social and economic groups can be affected by head lice. Because it is very difficult to totally prevent head lice infestations in schools where children come into close head-to-head contact with each other frequently, the Board of Trustees authorizes appropriate steps to manage pediculosis.

A student who is found to have active head lice will not be permitted to attend school until there are no active lice in the student's hair, proof of treatment has been provided to the nurse, and until all live and/or dead head lice are removed from the student's hair as confirmed by an examination by the school nurse.

The presence of nits (the eggs of lice) without active head lice will not prohibit a child from attending school provided proof of treatment has been provided to the nurse and there is no evidence of active head lice in the student's hair.

The Board recognizes parents have the primary responsibility for the detection and treatment of head lice and school staff members will work in a cooperative and collaborative manner to assist all families in managing pediculosis. The school nurse will compile a Management of Pediculosis Information Packet. The Board of Trustees' Management of Pediculosis Information Packet and this Policy will be provided to parents of children identified with active head lice or nits and be made available to all parents upon request. The Information Packet will include information about identifying, treating, and managing pediculosis.

If the school nurse determines a student has active head lice or nits, the parent shall be notified by the school nurse as soon as reasonably possible. The parent will be provided a copy of the school's Management of Pediculosis Information Packet and this Policy. The school nurse will advise the parent that prompt treatment of active head lice and/or nits is in the best interest of their child and treatment shall be required before the student can return to school. The school nurse will determine to send the child home or have the child remain at school for the remainder of the school day based on the comfort of the child, the degree of the infestation, and the likelihood of the spread of head lice to other students. If the school nurse cannot contact the parent a letter from the school nurse informing the parent of the presence of active head lice or nits will be sent home with the student. In the event the parent cannot be reached on the day it is determined their child has active head lice or nits, the parent will be required to contact the school nurse the next school day to review the Board Policy, the Management of Pediculosis Information Packet, and treatment options.

The following action will be taken to prevent the spread of head lice in the Essex Valley School:

When a single case of active head lice has been identified by the school nurse, parents of children in a class or on a team may be sent a Head Lice Alert Notice, the school's Management of Pediculosis Information Packet, and this Policy at the discretion of the Principal or designee and the school nurse. Parents may request information regarding head lice from the school nurse. The school nurse will perform a head check of any student if requested by the parent.

The school will make available to parents the school's Management of Pediculosis Policy.

All school staff members will maintain a sympathetic attitude and will not stigmatize and/or blame families who experience difficulty with control measures. All school staff members will act responsibly and respectfully when dealing with members of the school and broader community regarding issues of head lice.

The school will educate and encourage children and parents to learn about head lice in an attempt to remove any stigma or to prevent any harassment, intimidation, and bullying associated with this issue. Any instances of harassment, intimidation, and bullying shall be reported and investigated in accordance with the provisions of the school's Harassment, Intimidation, and Bullying Policy.

A student excluded from school for reasons outlined in this Policy shall be re-admitted only upon the examination and approval of the Principal or designee and the school nurse. The examination for re-admittance to school by the school nurse may be, but is not required to be, in the presence of the student's parent.

Cases of active head lice will be recorded by the school nurse for the purpose of tracking incident rates and mandatory reporting of outbreaks will be done according to the New Jersey Department of Health criteria for reporting outbreaks.

Adopted: 24 October 2019

8461P REPORTING VIOLENCE, VANDALISM, HARASSMENT, INTIMIDATION, BULLYING, ALCOHOL, AND OTHER DRUG OFFENSES - APSSD

The approved private school for students with disabilities (APSSD) 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 Executive Director or designee 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.

In accordance with N.J.A.C. 6A:16-5.3 any 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 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 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, N.J.A.C. 6A:16-7.8 and Policy 5512P.

The Principal, for each incident of violence; including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, shall review the incident report for accuracy; forward a copy of the incident report to the Executive Director; and notify the Executive Director of the action taken regarding the incident. The APSSD 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 unit, if applicable, shall have access monthly to the number and disposition of all reported acts of school violence, including harassment, intimidation, and 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 each school year, once between September 1 and January 1 and once between January 1 and June 30, the Executive Director shall report to the Board all acts of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period, according to 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 N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-7.8, 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. The report must include data broken down by the enumerated categories as listed in section N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-7.8, and data broken down by each school in the APSSD, in addition to APSSD-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 the APSSD for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L. 2002, c.83 (C.18A:37-13 et seq.). The Commissioner shall promulgate guidelines for a program to grade schools for the purposes of N.J.S.A. 18A:17-46. The grade for the APSSD shall be posted on the homepage of the school's website. A link to the report shall be available on the school's website. The information shall be posted on the websites within ten days of the receipt of a grade by the APSSD.

Whenever it is alleged a school employee has knowingly falsified reported information on acts of violence or vandalism, or any incident included in the annual report on violence and vandalism, the Board shall make a determination regarding whether the employee committed the act. 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(f). Upon a determination by the Board that an employee has knowingly falsified reported information, the Board may take appropriate action.

The APSSD 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 Executive Director or designee shall provide ongoing staff training, in cooperation with the NJDOE, in fulfilling the reporting requirements of N.J.S.A. 18A:17-46.

N.J.S.A. 18A:17-46; 18A:37-13; 18A:37-14; 18A:40A-12
N.J.A.C. 6A:16-5.3; 6A:17-7.8

Adopted: 24 October 2019



8462P REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN – APSSD

The Board of Trustees recognizes early detection of missing, abused, or neglected children is important in protecting the health, safety, and welfare of all children. In recognition of the importance of early detection of missing, abused, or neglected children, the Board of Trustees adopts this Policy pursuant to the requirements of N.J.S.A. 18A:36-24 and 18A:36-25. The Board provides this Policy for its employees, volunteers, or interns for the early detection of missing, abused, or neglected children through notification of, reporting to, and cooperation with the appropriate law enforcement and child welfare authorities pursuant to N.J.S.A. 18A:36-24 and 18A:36-25 et seq., N.J.A.C. 6A:16-11.1, and N.J.S.A. 9:6-8.10.

Employees, volunteers, or interns working in the school shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to any other telephone number designated by the appropriate child welfare authorities. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification. Notice to the Principal or other designated school official(s) need not be given when the person believes that such notice would likely endanger the reporter or student involved or when the person believes that such disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.

The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities and the sending district Superintendent. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school. Confirmation by another person is not required for a school employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

School officials will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children in accordance with the provisions of N.J.A.C. 6A:16-11.1(a)5.



The school designates the student's case manager, psychiatrist, or social worker as the school's liaison to designated child welfare authorities to act as the primary contact person between the school and child welfare authorities with regard to general information sharing and the development of mutual training and other cooperative efforts. The school designates the Executive Director or designee as the school's liaison to law enforcement authorities to act as the primary contact person between the school and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.2(b)1, consistent with the Memorandum of Agreement, pursuant to N.J.A.C. 6A:16-6.2(b)13.

An employee, volunteer, or intern working in the school who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights, including those rights defined in N.J.A.C. 6A:16-11.1(a)9.

The Executive Director or designee shall provide training to school employees, volunteers, or interns on the school's policy and procedures for reporting allegations of missing, abused, or neglected child situations. All new school employees, volunteers, or interns working in the school shall receive the required information and training as part of their orientation.

There shall be no reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potentially missing, abused, or neglected child situation pursuant to N.J.S.A. 9:6-8.13.

N.J.S.A. 18A:36-24; 18A:36-25 et seq.
N.J.A.C. 6A:16-11.1

Adopted: 24 October 2019

8465 HATE CRIMES AND BIAS-RELATED ACTS

The Board of Trustees is committed to providing a safe and healthy environment for all children in the school. Hate crimes and bias-related acts involving students can lead to further violence and retaliation. Hate crimes and bias-related acts, by their nature are confrontational, inflame tensions, and promote social hostility and will not be tolerated by the school. The school employees will work closely with local law enforcement and the county prosecutor's office to report or eliminate the commission of hate crimes and bias-related acts.

Definitions

A "hate crime" is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, disability, religion, sexual orientation, or ethnicity.

A "bias-related act" is an act directed at a person, group of persons, private property, or public property that is motivated in whole or part by racial, gender, disability, religion or sexual orientation, or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

Required Actions

Whenever any school employee in the course of his/her employment develops reason to believe that (1) a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours, or (2) a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during operating school hours, the school employee shall immediately notify the Principal and Executive Director, who in turn shall notify the local police department and Bias Investigation Officer for the county prosecutor's office. The Principal shall notify the local police department and the county prosecutor's office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a student or there is otherwise reason to believe that a life has been or will be threatened.

Whenever any school employee in the course of his/her employment has reason to believe that a bias-related act has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such bias-related act was or is to be committed during operating school hours, the school employee should immediately notify the Principal and Executive Director, who in turn should promptly notify the local police department.

In deciding whether to refer the matter of a bias-related act to the local police department or the county prosecutor's office, the Principal and the Executive Director, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public. The Principal and Executive Director should also consider the possibility that the suspected bias-related act could escalate or result in some form of retaliation which might occur within or outside school property.

It is understood a referral to the local police department or county prosecutor's office is only a transmittal of information that might be pertinent to a law enforcement investigation and is not an accusation or formal charge.

Unless the local police department or the county prosecutor's office request otherwise, the school may continue to investigate a suspected hate crime or bias-related act occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.

School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias-related act pending the arrival of the local police department or the county prosecutor's office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the local police department or county prosecutor's office.

Adopted: 24 October 2019

8467 WEAPONS

The Board of Trustees prohibits the possession, use, or exchange of any weapon in any school building, on school grounds, at any school-sponsored event, and on school sanctioned transportation except as the possession and use of a weapon is authorized by law and required in the performance of the possessor's duty.

For the purpose of this policy, "weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. "Weapon" includes, but is not limited to, all firearms, knives, dangerous instruments intended to inflict harm, components that can be readily assembled into a weapon, explosive devices, and imitation firearms. For the purposes of this policy "firearm" means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

Any student or school employee who has reasonable grounds to suspect the presence of a weapon prohibited by this policy shall immediately report his/her suspicion to the Principal or designee or immediate supervisor. The Principal or designee or immediate supervisor shall conduct an appropriate search in accordance with Policy 5770 and confiscate any weapon discovered in the course of the search. He/she shall, if appropriate and feasible, summon the aid of law enforcement officers in the conduct of the search. Any school employee who confirms the presence of a weapon under circumstances that place persons at serious risk may confiscate the weapon immediately and may use such force as is reasonable and necessary to obtain possession.

Unless the weapon has been taken into custody by a law enforcement officer, the Principal or designee or immediate supervisor shall immediately store any confiscated weapon in a securely locked box or container and report the presence of the weapon to the Executive Director. The Executive Director shall promptly notify, by telephone call and by letter, the Chief of Police of the local police department that a weapon is present on school premises; the notice shall request removal of the weapon by an authorized law enforcement officer. The Executive Director shall obtain and file a receipt for any weapon removed by a law enforcement officer.

Any student who possesses, uses, or exchanges a weapon in violation of this policy shall be subject to stringent discipline, which may include return to the sending district. Any student or school employee who suspects or knows of the presence of a weapon in violation of this policy and fails to report the same shall be subject to discipline. Any person who possesses a weapon on school premises or school transportation or at a school-sponsored function shall be reported to the appropriate law enforcement agency.

Any student who is convicted or is an adjudicated delinquent for possession of a firearm or who is found to be in possession of a firearm on school property will be returned to the sending district. Students convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be returned to the sending district.

Any student who commits an assault upon members of the school community with a weapon other than a firearm on school property will be returned to the sending district.

Nothing in this policy shall be construed to prohibit the reporting of a crime committed by a child with a disability to the appropriate law enforcement or judicial authorities, or to prevent such authorities from exercising their responsibilities with regard to the application of Federal or State law to crimes committed by a child with disabilities.

The Principal, or designee, shall prepare regulations to implement this policy for the guidance of school staff in dealing with incidents involving weapons in the school.

Adopted: 24 October 2019

8468 CRISIS RESPONSE

The Board of Trustees recognizes its responsibility to be prepared to confront circumstances in which the physical and/or mental well-being of students, staff and other individuals on school grounds is threatened or overtly impacted upon by an individual or group of individuals. Situations at issue include, but are not limited to, acts of terrorism, hostage situations and other threats or acts of a violent nature. The Board further recognizes there is a need to deal with the aftermath of such events and circumstances, and to contend with the psychological trauma, pain and confusion which may ensue as the result of these events.

The Board establishes through the person of the Executive Director or his/her designee, a Crisis Team whose responsibility it shall be to act:

1. As a source of information;

2. As a vehicle through which direct services may be delivered;

3. In an advisory capacity to the Executive Director, or his/her designee, and/or other agents or agencies dealing with the crisis situation.

The Crisis Team may consist of the following membership:

1. The Executive Director, or his/her designee;

2. Teacher representative(s);

3. School Nurse;

4. Others as deemed appropriate by the Principal.

The Crisis Team shall be convened at least on an annual basis:

1. To review established policy and procedures;

2. To orient new members as to their responsibilities;

3. To maintain and reinforce lines of communication between the various disciplines and specialists who make up the Crisis Team.

Adopted: 24 October 2019

8500P CHILD NUTRITION - APSSD

The approved private school for students with disabilities (APSSD) may provide meals to students that align to the Dietary Guidelines for Americans, using United States Department of Agriculture's meal patterns reviewed and/or approved by the New Jersey Department of Agriculture.

For a nonprofit APSSD, the costs associated with providing meals may be included in the certified actual cost per student if the following requirements are met. The nonprofit APSSD shall:

1. Ensure the menu is approved by the New Jersey Department of Agriculture;

2. Apply for and receive funding from the Child Nutrition Program administered by the New Jersey Department of Agriculture;

3. Charge students for a reduced and/or paid meal; and

4. Not have total food service costs, net of the reimbursement and/or sales pursuant to 3. above, that exceed the maximum daily price schedule for a high school published annually by the New Jersey Department of Agriculture. Excess expenditures are non-allowable costs, except for where they are solely attributable to substitutions to meals when the disability restricts the child's diet.

For a for-profit APSSD, the costs associated with providing meals may be included in the certified actual cost per student if the following requirements are met. The for-profit APSSD shall:

1. Ensure the menu is approved by the New Jersey Department of Agriculture;

2. Charge students for a reduced and/or paid meal; and

3. Not have total food service costs, net of the reimbursement and/or sales pursuant to 2. above for for-profit schools, that exceed the maximum daily price schedule for a high school published annually by the New Jersey Department of Agriculture. Excess expenditures shall be deemed non-allowable costs, except for where they are solely attributable to substitutions to meals when the disability restricts the child's diet.



The cost of meals for staff members shall not be included in the certified actual cost per student.

The Executive Director shall ensure the maintenance of sanitary, neat premises, free from fire and health hazards, for any preparation and consumption of food and the safekeeping and storage of food and food equipment in strict compliance with regulations of the New Jersey State Department of Health.

N.J.S.A. 18A:58-7.1
N.J.A.C. 6A:23A-18.23

Adopted: 24 October 2019

8505 LOCAL WELLNESS POLICY/NUTRIENT STANDARDS FOR MEALS AND OTHER FOODS

The Board of Trustees recognizes child and adolescent obesity has become a major health concern in the United States. The Healthy, Hunger Free Kids Act of 2010 (HHFKA), funds child nutrition programs and establishes required nutrition standards for school lunch and breakfast programs. In accordance with the requirements of the HHFKA the school shall implement this Wellness Policy that includes goals for nutrition promotion, nutrition education, physical activity, and other school-based activities that promote student wellness.

The Principal or a School Wellness Policy Coordinator designated by the Principal will be responsible to ensure the school complies with the requirements in this Policy. The Executive Director will designate a Wellness Policy Coordinator who will have the authority and responsibility to ensure the school complies with the requirements outlined in this Policy.

A. Wellness Policy Goals

The goals as outlined below shall apply to the school.

1. Goals for Nutrition Promotion – The following activities will be coordinated in the school:

   a. Age-appropriate posters will be posted on the walls where food and beverages are served to students highlighting and encouraging the value of good nutrition.

   b. The school lunch program will have promotional days during the school year where at least one new nutritional alternative menu item will be featured as part of the menu pattern meal component. The food service staff members will promote this nutritional alternative during meal service with posters, flyers, and/or hand-outs regarding the nutritional menu item alternative.

   c. The Principal or School Wellness Policy Coordinator will encourage food products that meet the nutrition standards of the HHFKA when used as an incentive or reward for student accomplishments, club or activity achievements, and/or success in competitions within the school.

d. Food service staff, in consultation with the Principal or School Wellness Policy Coordinator, will coordinate obtaining student input on menu planning that will include taste testing of new nutritional food, satisfaction surveys, and other activities that will promote nutrition awareness.

e. Food service staff will place the healthier food items in the service line where students are more likely to choose them.

f. Parents will be provided the nutritional standards of the HHFKA and encourage parents to pack lunches and snacks that meet the HHFKA nutritional standards.

2. Goals for Nutrition Education – The following activities will be coordinated in the school:

a. The Principal or School Wellness Policy Coordinator will ensure each student receives at least one presentation per school year that promotes good nutrition and nutrition education. These presentations may be provided through classroom visits from school staff members trained in nutrition, school-wide or group assembly programs, during health/physical education classes during the school year, or any other presentation manner. This requirement may be provided as part of nutrition education provided to students as part of the school's curriculum.

b. The Principal or School Wellness Policy Coordinator will post the nutritional guidelines of the HHFKA in the area of the school building where food and beverages are served.

c. The school lunch menu will include nutritional information, activities, recipes, and/or any other information that encourages the selection of healthy food items and for students to make informed choices about nutrition, health, and physical activity.

3. Goals for Physical Activity

The following activities will be coordinated in the school:

a. All students shall receive health/physical education under the supervision of a properly certified teaching staff member as required by the New Jersey Department of Education.

b. The Board of Trustees may offer school students opportunities to participate in after-school intramural and/or interscholastic team activities coordinated and under the supervision of school staff members.

c. The Board of Trustees will support after-school activities and clubs where physical activity for students is included as a key component to the activity's or club's purpose. These clubs may include, but not be limited to, gardening clubs, walking clubs, and exercise classes.

4. Goals for Other School-Based Activities - The following activities will be coordinated in the school:

a. The school will establish a School Wellness Committee (SWC). The SWC will:

(1) Be comprised of a Principal, at least one health/physical education teacher, a school nurse, at least two parents, at least two students, at least one food service staff member representing all school levels in the school, and the School Wellness Policy Coordinator; and

(2) Meet at least four times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation, and periodic review and update of the school-wide Wellness Policy.

b. The Principal or School Wellness Policy Coordinator will coordinate information being disseminated to students and parents promoting the school lunch program, nutrition, and nutrition education.

c. The school will celebrate a School Wellness Week, as determined by the Executive Director, where schools will have special activities throughout the week to promote nutrition and physical activity. These special activities will be planned and coordinated by the school's Principal and/or School Wellness Policy Coordinator.

d. The Principal and/or School Wellness Policy Coordinator will encourage fund-raising activities that promote physical activity such as walk-a-thons, teacher-student activity competitions, family activity nights, and school dances.



5. Annual School Progress Report

   a. The goals for nutrition promotion, nutrition education, physical activity, and other school-based activities that promote student wellness shall be evaluated annually by the Principal or designee of the school and the School Wellness Policy Coordinator in an Annual School Progress Report provided to the Executive Director before May 1.

   b. The Annual School Progress Report shall present the extent to which the school is in compliance with this Policy, the progress made in attaining the goals of this Policy, any recommended changes to this Policy, and an action plan for the following school year to achieve the school's annual goals and objectives.

6. Annual School Summary Progress Report

   a. Upon receiving the Annual School Progress Report, the School Wellness Policy Coordinator will compile an Annual School Summary Progress Report to be presented to the Executive Director and Board of Trustees at a public meeting before May 30 of the current school year. The public will be provided an opportunity to review and comment on the Annual School Summary Progress Report at the Board meeting.

   b. Revisions to this Policy will be recommended by the Executive Director or designee to be approved by the Board of Trustees before September 30 of each school year.

7. Additional Wellness Policy Goals

   a. Nothing in this Policy shall prevent the school from developing and implementing additional activities, approved by the Executive Director or designee, to those required in this Policy.

B. Nutrition Guidelines for All Foods and Beverages

1. The Board of Trustees requires the school to comply with the Federal school meal nutrition standards and the Smart Snacks in accordance with the requirements HHFKA. The nutritional standards shall apply to all foods and beverages sold in the school as part of the menu pattern meal, a la carte, in school stores, snack bars, or vending machines. The requirements for any food or beverages sold in schools must meet a range of calorie and nutrient requirements as outlined in the HHFKA and a smart snack calculator shall be on file in the school for each product sold.



2. The school will comply with the HHFKA beverage requirements and beverage portion requirements for each appropriate grade level. The school will make potable water available to children at no charge in the place where breakfast, lunch, and afterschool snacks are served during meal service.

3. On-campus fundraisers involving food or beverage items must meet the Smart Snack standards of the HHFKA. The nutrition standards of the HHFKA do not apply to non-school hours, weekends, and off-campus fundraising events. The United States Department of Agriculture defines school day as starting from midnight to thirty minutes after the end of the school day. Fundraisers involving the sale of food or beverages must be pre-approved by the Principal or designee and the School Wellness Policy Coordinator.

C. School Coordinator

1. The School Wellness Policy Coordinator shall be available to consult with school-based administrators, staff members, and the School Wellness Policy Coordinator(s) on the school's Wellness Policy.

2. The School Wellness Policy Coordinator shall also be responsible to ensure parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the Board of Trustees, school administrators, and the general public are permitted to participate in the development, implementation, review, and update of this Wellness Policy.

3. The School Wellness Policy Coordinator shall be responsible to inform and update the public (including parents, students, and others in the community) about the content, implementation, updates and implementation status of the school's Wellness Policy through the school's website, school publications, and/or other school communications made available to the public.

a. The information and update shall provide as much information as possible about the school nutrition environment, including a summary of the events and activities related to the Wellness Policy implementation in the school.

D. Wellness Policy Assessment

1. The School Wellness Policy Coordinator will prepare an assessment of the school's Wellness Policy in accordance with the requirements of the United States and New Jersey Departments of Agriculture on the extent to which the school(s) in the school are in compliance with the school's Wellness Policy, the extent to

which the school's Wellness Policy compares to model school wellness policies, and a description of the progress made in attaining the goals outlined in the school's Wellness Policy.

2. The School Wellness Policy Coordinator will present this assessment to the Board of Trustees at a public Board meeting, make such assessment available to the public, and recommend any updates to the Policy accordingly.

E. Records

1. The School Wellness Policy Coordinator shall ensure records are maintained to document compliance with the requirements of the School Wellness Policy. Such records will include, but not be limited to:

   a. The Board-approved Wellness Policy;

   b. Documentation demonstrating the Policy has been made available to the public;

   c. Documentation of the efforts made in the school to review and update the Policy;

   d. Documentation demonstrating compliance with the annual public notification requirements;

   e. Documentation demonstrating the most recent assessment on Policy implementation; and

   f. Documentation demonstrating the most recent assessment on the implementation of the School Wellness Policy has been made available to the public.

F. Publication/Dissemination

This Policy and Assessment will be made available to staff members, students, and parents by being posted on the school and/or school websites.

The Healthy, Hunger-Free Kids Act of 2010

Adopted: 24 October 2019

8506 SCHOOL LUNCH PROGRAM BIOSECURITY PLAN

The Board of Trustees is committed to protecting the health of the children and adults in the school building by strengthening the safety of foodservice operations. Therefore, the Board requires the creation and implementation of a School Lunch Program Biosecurity Plan that will keep school meals free from intentional contamination and enable the foodservice to respond to threats or incidents of bioterrorism.

The School Lunch Program Biosecurity Plan shall be a document that spells out school lunch program policies and procedures that minimize the risk of intentional contamination of food and reduce the risk of illness or death in the school community. The Plan shall describe strategies for preventing threats and incidents of product tampering and food contamination. The Plan shall also include appropriate response actions to be taken should an incident occur. There may be a general Plan for the school; however, the Plan will address the specific roles and responsibilities for the school or locations where food is served.

The School Lunch Program Biosecurity Plan shall be prepared, revised, and updated in accordance with the requirements of N.J.A.C. 2:36-1.13 - Biosecurity for School Food Service and the U.S. Department of Agriculture, "A Biosecurity Checklist for School Food Service Programs," March 2004 version, as amended and supplemented, as New Jersey's Biosecurity Policy for Child Nutrition Programs.

N.J.A.C. 2:36-1.13

Adopted: 24 October 2019

8507 BREAKFAST OFFER VERSUS SERVE (OVS)

The Board of Trustees, to be in compliance with the Healthy Hunger Free Kids Act (HHFKA) of 2010, adopts this Offer Versus Serve (OVS) Policy. Offer Versus Serve is a Policy for Federally reimbursable meals that allows students to decline a certain number of food components in the meal to reduce plate waste and food cost. Board of Trustees approval to implement a Breakfast OVS Policy is optional at all grade levels. The provisions of the Breakfast OVS Policy shall be in accordance with the requirements of the HHFKA of 2010.

A school breakfast eligible for Federal reimbursement shall offer four food items from the three food components in the appropriate amounts per grade grouping:

- Fruit (including optional vegetable)
- Grains (including optional meat/meat alternate)
- Milk

Students are allowed to decline one of the four food items offered, but must select at least a half cup of either fruit or half cup of vegetable or half cup of a fruit/vegetable combination.

After taking the half cup fruit or half cup of vegetable or half cup of a fruit/vegetable combination, students must select at least two additional food items in the full amounts (per grade group requirements) to count toward the reimbursable offer versus serve meal.

A student's decision to accept all four food items or to decline one food item shall not affect the price charged for the meal as the breakfast is priced as a unit. If students do not choose enough food items to comprise a reimbursable meal, a la carte prices will be charged.

School staff members cannot make exceptions to the Policy, such as requiring every student to take a particular food component. It is the student's choice to select any three or all four food items of the reimbursable meal.

At each school implementing this OVS Policy, school food service staff members will be trained annually on the provisions of the school's Breakfast OVS Policy.

Breakfast OVS will be implemented in this approved private school for students with disabilities.

Adopted: 24 October 2019

8508 LUNCH OFFER VERSUS SERVE (OVS)

The Board of Trustees, to be in compliance with the Healthy Hunger Free Kids Act (HHFKA) of 2010, adopts this Offer Versus Serve (OVS) Policy. Offer Versus Serve is a Policy for Federally reimbursable meals that allows students to decline a certain number of food components in the meal to reduce plate waste and food cost. Board of Trustees approval to implement a Lunch OVS Policy is required at the high school level and is optional at all other grade levels. The provisions of the Lunch OVS Policy shall be in accordance with the requirements of the HHFKA of 2010.

A school lunch eligible for Federal reimbursement shall offer five food components in the appropriate amounts per grade grouping:

- Fruit;
- Vegetable;
- Milk;
- Grain; and
- Meat/Meat Alternate.

Students are allowed to decline two of the five required food components, but must select at least a half cup of either fruit (or fruit combination) or a half cup of vegetable (or vegetable combination) or half cup of a fruit/vegetable combination.

After selecting the half cup fruit or vegetable requirement, students must select at least two additional full components in the full amounts (per age/grade grouping required amounts) to count toward the reimbursable offer versus serve meal.

The student's decision to accept all five food components or to decline two food components shall not affect the price charged for the meal as the lunch is priced as a unit. If students do not choose enough food items to comprise a reimbursable meal, a la carte prices will be charged.

School staff members cannot make exceptions to the Policy, such as requiring every child to take a particular food component. It is the student's choice to select any three, four, or all five components of the reimbursable meal.

At each school implementing this Lunch OVS Policy, food service staff members will be trained annually on the provisions of the school's Lunch OVS Policy.

Lunch OVS will be implemented in this approved private school for students with disabilities.

Adopted: 24 October 2019

8540 SCHOOL NUTRITION PROGRAMS

The Board of Trustees recognizes the importance of a child receiving a nutritious, well-balanced meal to promote sound eating habits, to foster good health and academic achievement, and to reinforce the nutrition education taught in the classroom. Therefore, the Board of Trustees may participate in the school nutrition programs of the New Jersey Department of Agriculture in accordance with the eligibility criteria of the program. These programs may include the National School Lunch Program, the School Breakfast Program, the After-School Snack Program, and the Special Milk Program.

The Board of Trustees shall sign an Agreement with the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture for every school nutrition program operated within the school. Any child nutrition program operated within the school shall be operated in accordance with the provisions of the Agreement and all the requirements of the program.

Students may be eligible for free or reduced pricing in accordance with the requirements of the program operating in the school. Prices charged to paying children shall be established by the Board of Trustees, but must be within the maximum prices established by the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture. Prices charged to adults shall be in accordance with the requirements of the program.

The Executive Director or designee shall annually notify parents of all children in the school of the availability, eligibility requirements, and application procedures for free or reduced price meals or free milk in accordance with the notification requirements and procedures of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

The Executive Director will designate in the annual notification to parents, the person who will determine, in accordance with standards issued by the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture, a student's eligibility for free or reduced price meals or free milk depending on the programs operated in the school.

A parent may request a household application and instructions from the Principal of their child's school. A household application must be completed before eligibility is determined. Where necessary, the Principal or designee shall assist the applicant in the preparation of the household application.

Applications shall be reviewed in a timely manner. An eligibility determination will be made, the family will be notified of its status, and the status will be implemented as soon as possible within ten operating days of the receipt of the completed application. Any student found eligible shall be offered free or reduced price meals or free milk immediately upon the establishment of his/her eligibility and shall continue to receive such meals during the pendency of any inquiry regarding his/her eligibility in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture. Carry-over of previous year's eligibility for students shall be in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

A denial of eligibility for free or reduced price meals or free milk shall be in writing and shall include the reasons for which eligibility was denied, notice of the parent's right to appeal the denial, the procedures for an appeal, and a statement reminding parents that they may reapply at any time during the school year. Appeal procedures shall include: a hearing, if requested by the parent, held with reasonable promptness and convenience of the parent before a hearing officer other than the school official who denied the application; the parent's opportunity to be represented by counsel; a decision rendered promptly and in writing; and an opportunity to appeal the decision of the hearing officer to the Business Manager. The appeal hearing will be conducted in accordance with the provisions as outlined by the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

There shall be no overt identification of any child(ren) who may be eligible to receive free or reduced price school meals or free milk. The identity of students who receive free or reduced price meals will be protected. Eligible students shall not be required to work in consideration for receiving such meals or milk. Eligible children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, or consume their meals or milk at a different time. A student's eligibility status will not be disclosed at any point in the process of providing free or reduced price meals or free milk in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

The Business Manager or designee will verify applications of those eligible for free or reduced price meals in accordance with the requirements of the, Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.



The Board of Trustees will comply with all the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture Local Education Agency (LEA) Agreement and all requirements outlined in the School Nutrition Electronic Application Reimbursement System (SNEARS).

7 C.F.R. 210.1 et seq.
N.J.S.A. 18A:33-5; 18A:58-7.2
N.J.A.C. 2:36

Adopted: 24 October 2019

8561P PROCUREMENT PROCEDURES FOR SCHOOL NUTRITION PROGRAMS - APSSD

The Board of Trustees 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 Trustees is ultimately responsible for ensuring all procurement procedures for any purchases by the Board of Trustees 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; APSSD 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 Business Manager or designee and will be available to determine open competition, the reasonableness, the allowability, and the allocation of costs.

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

A. General Procurement

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

1. The Business Manager 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):

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) 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.

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 public or non-public informal/small purchase threshold amount, or the Board approved threshold if less, it will be the responsibility of the Business Manager or designee 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 Trustees 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 APSSD'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;

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

   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 Trustees 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 Trustees will be entitled if the contractor cannot or will not perform as required;

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

i. Statement regarding the return of purchase incentives, discounts, rebates, and credits to the Board of Trustees' 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);

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

r. Provision requiring access by duly authorized representatives of the Board of Trustees, 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

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

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 Business Manager or designee and will specify the deadline for all questions.

   a. The Business Manager will be responsible for securing all bids or proposals.

   b. The Business Manager will be responsible to ensure all Board of Trustees 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 Trustees, price as the primary, and other factors considered. Any and all bids or proposals may be rejected in accordance with the law.

   b. The Business Manager 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.

   c. The Business Manager shall review the procurement system to ensure compliance with applicable laws.

   d. The Business Manager or designee will be responsible for documentation that the actual product specified was received.

e. Any time an accepted item is not available, the Business Manager will select the acceptable alternate. The contractor must inform the Business Manager within one workday if a product is not available. In the event a nondomestic agricultural product is to be provided to the Board of Trustees, the contractor must obtain, in advance, written approval for the product. The Business Manager 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 Business Manager.

g. The Business Manager is responsible for maintaining all procurement documentation.

C. Small Purchase Procedures

If the amount of purchases for items is less than the APSSD'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.

3. The Business Manager 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 Business Manager. 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 Business Manager 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 Business Manager or designee will be responsible for documentation that the actual product specified is received.

8. Any time an accepted item is not available, the Business Manager will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.

9. The Business Manager 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.

2. The Business Manager 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 Business Manager or designee will be responsible for documentation that the actual product or service specified was received.

4. The Business Manager will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.

5. The noncompetitive micro-purchase method shall be used for one-time purchases of a new food item if the amount is less than 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 Business Manager or designee. At a minimum, the record of noncompetitive purchases shall include: item name; dollar amount; vendor; and reason for noncompetitive procurement.

6. A member or representative of the Board of Trustees 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 Trustees agrees the reviewing official of each transaction will be the Business Manager.

3. Payment will be made to the vendor when the contract has been met and verified and has met the Board of Trustees' 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 Business Manager. The emergency procedures to be followed for such purchases shall be those procedures used by the APSSD for other emergency purchases consistent with N.J.S.A. 18A:18A-7. All emergency procurements shall be approved by the Business Manager. At a minimum, the 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 Trustees will ensure that competitive procurements are conducted in accordance with 2 CFR Part 200.318 through .326 and applicable program regulations and guidance.

2. When utilizing the services of a co-op, agent, or third party the Board of Trustees 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 APSSDs or Public School Districts 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 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.

H. Records Retention

1. The Board of Trustees 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 Trustees 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;

   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.



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 Trustees 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 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 Business Manager.

J. Food Service Management Company (FSMC)

1. In the operation of the APSSD's food service program, the APSSD shall ensure that a FSMC complies with the requirements of the Program Agreement, the APSSD'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 APSSD 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
"Procurement Procedures for School Food Authorities" Model Policy – September 2018

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 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)

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."

Adopted: 24 October 2019

8600 TRANSPORTATION

Transportation to and from school for students attending the Essex Valley School shall be the responsibility of the sending school district.

Adopted: 24 October 2019

8630P BUS DRIVER/BUS AIDE RESPONSIBILITY – APSSD

The Board of Trustees requires all bus drivers and bus aides employed by the school 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. All 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.

The Principal or designee, upon receiving a discipline report regarding a student from the school bus driver, may assign appropriate discipline.

In the event of an emergency, bus drivers shall follow procedures established by the sending district Board of Education. The APSSD 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. 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 by the Principal using the "School Bus Emergency Evacuation Drill Report" and should be filed with the sending district upon completion.

The bus driver will immediately inform the Principal of the receiving school and the School Business Administrator or designee of the school providing the transportation following an accident that involves injury, death, or property damage. The 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.

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 bus driver who violates this policy provision is subject to fines pursuant to N.J.S.A. 39:3B-25.

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.

N.J.A.C. 6A:27-11.2

Adopted: 24 October 2019

8660 TRANSPORTATION BY PRIVATE VEHICLE

Transportation in the private vehicle of a staff member will be permitted with the parent's permission and approval of the Principal or Executive Director. A ride share service may be used for the transportation of students with parental permission.

The Board may withdraw the authorization of any private vehicle driver.

Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver; have the capacity to hold not more than eight persons; and must conform to registration, inspection, and insurance requirements of the State of New Jersey for privately owned vehicles. Seat belts shall be worn by the driver and the passengers while the vehicle is in motion. No vehicle may be used to transport more persons than its normal load capacity.

The responsibility of teaching staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not teaching staff members are requested to report student misconduct to the Principal.

Expenses incurred by drivers of private vehicles in the course of transporting students will be reimbursed by the Board at the approved mileage rate and upon presentation of evidence of costs for tolls and parking fees.

Adopted: 24 October 2019

8710 PROPERTY INSURANCE

The Board of Trustees recognizes its responsibility under law to insure the replacement value of the property of this school, both real and personal, against loss or damage by fire and expressly extends such insurance coverage to loss or damage caused by theft, water, glass breakage, explosion, boiler failure, smoke, windstorm, vandalism, and other hazards.

In placing property insurance coverage, the Board shall be guided by the price of the coverage, the ability of the insurer to meet obligations promptly and fully, the reputation and past performance of the insurer's agent, and the goal of distributing the insurance coverage of the school through an insurance broker.

The Board shall annually appoint an insurance advisor who shall review the insurance program of the school, consider alternatives, and report recommendations to the Board; recommend specific insurance placement and prepare specifications; assist the Board in the establishment and maintenance of property valuation and insurance records; provide annual safety and fire inspections; process all claims; provide workshops and lectures on fire safety and prevention and safety precautions to the appropriate staff members; and recommend such measures as may reduce the cost of insurance premiums.

Adopted: 24 October 2019

8740 BONDING

The Board of Trustees recognizes that the prudent trusteeship of the resources of this school dictates that employees responsible for the safekeeping of school moneys and property be bonded.

The Board directs the indemnification of the school against loss of money and property by the bonding of school employees.

The Board shall bear the cost of bonding each employee required to be bonded by law or by this policy.

Adopted: 24 October 2019

8750 EMPLOYEE INDEMNIFICATION

The Board of Trustees recognizes that officers and employees of this school are exposed to certain risks in the course of the performance of their duties and will provide insurance coverage against losses that may be incurred by such risks.

The Board shall in accordance with law, insure employees of the school against injury and death arising out of or in the course of their employment.

The Board shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the Board, including any student teacher/intern, or person assigned to other professional pre-teaching field experience, for damages, losses, and costs incurred as a result of a civil or administrative action or other legal proceeding brought against any such persons for any acts or omissions arising out of and in the course of their employment, student teaching, or other assignment to professional field experience with this Board. This indemnification will include all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and will hold harmless and protect such person from any financial loss resulting from such action. No employee will be held harmless or have his/her defense costs defrayed in a disciplinary proceeding instituted against him/her by the Board or when the employee is appealing an action taken by the Board. Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in N.J.S.A. 59:10-4. The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The Board shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the Board, including any student teacher/intern, or person assigned to other professional pre-teaching field experience, for the costs of defense against any criminal or quasi-criminal action for any such act or omission when such prosecution is dismissed or results in a final disposition favorable to the officer or employee. This indemnification will include the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals. No employee will be held harmless or have his/her defense costs defrayed as a result of a criminal or quasi-criminal complaint filed against the employee by or on behalf of the Board. The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The Board shall insure against any liability arising out of the use of motor vehicles in the course of the conduct of automobile driver training courses and against any liability arising from the use of a motor vehicle by a person duly appointed by the Board to transport students and while in the course of such transportation.

The Board may insure against any major liability arising from the use of a motor vehicle by an employee or student of the school in the performance of school business.

Adopted: 24 October 2019

8810 RELIGIOUS HOLIDAYS

The Board of Trustees recognizes the acknowledgment of religious holidays in the school may be a source of community concern. It is a goal of the school educational program to teach mutual understanding and brotherhood and respect for group differences. In pursuing this goal, the educational program may recognize that various religious groups celebrate different holidays with different practices.

In the acknowledgment or observance of any religious holiday, the Executive Director shall ensure the school and/or school officials do not mandate, organize, participate in an official capacity, endorse, persuade, compel, prevent or deny participation in constitutionally protected prayer or religion in violation of the governing principles of the First Amendment of the United States Constitution. Consistent with these principles, the Executive Director shall ensure:

1. No worship or religious service of any kind is sponsored by the school and conducted during the school day, whether or not conducted by a clergyman;

2. Religious exhibits or displays include only materials that are a necessary or integral part of the curriculum;

3. Any religious music played is selected primarily for its artistic content; and

4. Any acknowledgment of a religious holiday neither advances nor inhibits any particular religious sect or religion consistent with the governing principles of the First Amendment of the United States Constitution.

Adopted: 24 October 2019

8820 OPENING EXERCISES/CEREMONIES

The Board of Trustees requires the students to salute the United States flag and repeat the pledge of allegiance to the flag of the United States in accordance with the provisions of N.J.S.A. 18A:36-3. The pledge of allegiance shall be rendered with the right hand over the heart, except that students who have a conscientious objection against such pledge or salute, or are children of accredited representatives of foreign governments to whom the United States government extends diplomatic immunity, shall not be required to render such salute and pledge or stand during such pledge or salute, but shall be required to show full respect to the flag while the pledge is being given.

Adopted: 24 October 2019

9000 COMMUNITY

Number	Title
9100	Public Relations
9130	Complaints and Grievances
9150	School Visitors
9190	Community Organizations
9200	Cooperation Between Parents and School
9230	Parental Responsibilities
9240	Rights of Parents
9242P	Use of Electronic Signatures – APSSD
9260	Parental Liability for Vandalism
9280	Parent Conferences
9320	Cooperation with Law Enforcement Agencies (M)
9324	Sex Offender Registration and Notification
9400	News Media Relations
9550	Educational Research Projects
9700	Special Interest Groups
9720	Solicitations by Vendors

9100 PUBLIC RELATIONS

The Board of Trustees directs the implementation of a public relations program to foster the continuing and constructive cooperation of this school with parents, community organizations and institutions, representatives of business and industry, public school districts, and other members of the community served by the school.

The Board respects the contributions to community life made by business, industry, labor, charitable organizations, cultural institutions, volunteer associations, and other community groups that enrich the educational potential of the community. The Executive Director shall be alert to opportunities for an educational program expanded and enriched by utilization, both within and without the school, of a diversity of community resources.

The Board directs all school employees to acquaint others with the work of the school; to give thoughtful and courteous consideration to all inquiries and suggestions and carefully investigate all complaints; to make parents feel welcome in the school and in the classroom; to cooperate with parent organizations and other groups of residents seeking information or offering assistance to the school; to treat all students with firmness, sensitivity, intelligence, and fairness so as to command their respect and enlist the cooperation of their parents; and to work with others in a manner conducive to high morale and meriting the respect of the community.

Adopted: 24 October 2019

9130 COMPLAINTS AND GRIEVANCES

Any person or group having a legitimate interest in the school may present a request, suggestion, or complaint concerning school personnel, the educational program, instructional or resource materials, or the operations of the school. The Board directs the establishment of procedures for the hearing and settlement of requests and complaints that provide a means for resolving them fairly and impartially, permit appropriate redress, and protect school personnel from unnecessary harassment.

When a Board member is confronted with an issue, he/she will withhold comment, commitment and/or opinion and refer the complaint or inquiry to the Executive Director, who shall review the complaint according to established procedures.

Only in those cases where satisfactory adjustment cannot be made by the Executive Director and the staff shall communications and complaints be referred to the Board for resolution.

Any misunderstandings or disputes should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. A complaint about a school program or personnel should be addressed to the Principal; a complaint about instructional or resource materials should be addressed to the Executive Director.

The Executive Director shall establish procedures for the hearing of requests and complaints regarding school personnel, the educational program, instructional and resource materials, and the operation of the school. Procedures will be governed by the following guidelines:

1. The matter will be resolved initially, wherever possible, by informal discussions between or among the interested parties.

2. A matter that cannot be resolved informally may be appealed at successive levels of authority, up to and including the Board of Trustees.

3. The complaint and its immediate resolution will be reduced to writing at the first and at each successive level of appeal.

4. A reasonable period of time, not to exceed three working days, will be permitted for the filing of an appeal in writing at each successive level. A decision at each level of appeal must be rendered in writing no later than five working days after the appeal is filed, except that the Board shall have forty-five calendar days to make its decision.

5. In the case of complaints about instructional or resource materials, the initial complaint must set forth in writing the author, title, and publisher of the materials as well as those specific portions of the material or the work to which objection is taken; the complainant's familiarity with the work; the reasons for the objection; and the use of the work in the school. The Executive Director shall appoint a committee of professional staff members and community representatives to review the challenged material against the standards for the selection of resource materials established by Board policy. The committee will report its findings to the Board. No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board of Trustees, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

6. A complainant shall be notified that a decision of the Executive Director may be appealed to the Board of Trustees.

Adopted: 24 October 2019

9150 SCHOOL VISITORS

The Board of Trustees welcomes and encourages visits to school by parents and school staff members from other school districts. In order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the school, the Board directs the enforcement of rules governing school visits.

The Executive Director and Principal each possess the authority to prohibit the entry of any person into the school or to expel any person from the school when there is reason to believe the presence of such person would be inimical to the good order of the school. If such a person refuses to leave the school grounds or creates a disturbance, the Principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Visitors shall be required to register their presence in the school and wear a visitor badge. No staff member shall transact business with or permit the continuing presence in the school of a visitor who has not been duly registered.

No visitor may confer with a student in school without the approval of the Principal; any such conference may take place only in the presence of a teaching staff member and/or administrator.

The Executive Director shall develop regulations that will protect students and employees of the school from disruption to the educational program and the efficient conduct of their assigned tasks.

Adopted: 24 October 2019

9190 COMMUNITY ORGANIZATIONS

The Board of Trustees respects the contributions to community life made by business, industry, labor, charitable organizations, cultural institutions, volunteer associations and other community groups that enrich the educational potential of the community.

The Board directs the Executive Director to be alert to the opportunities for an educational program expanded and enriched by utilization, both within and without the school, of a diversity of community resources.

Adopted: 24 October 2019

9200 COOPERATION BETWEEN PARENTS AND SCHOOL

The Board of Trustees believes that the education of children is a joint responsibility that the Board shares with the parents of students. To ensure that the best interests of the child are served in this process, a strong program of communication between home and school must be maintained.

It is the position of the Board that parents bear the ultimate responsibility for their children's in-school behavior, including the behavior of students who have reached the legal age of majority, but are still for all practical purposes under parental authority.

The Board directs that cooperation be encouraged by parent-teacher conferences that permit two-way communication between home and school; open houses in schools that provide parents with the opportunity to see the school facilities, meet the faculty, and observe the program on a first hand basis; meetings of staff members and groups of the parents of those students having special abilities, needs, or problems; and special events of a cultural, ethnic, or topical nature, which are initiated by parent groups, involve the cooperative effort of students and parents, and are of general interest to the schools or community.

Adopted: 24 October 2019

9230 PARENTAL RESPONSIBILITIES

The Board of Trustees believes that children benefit when parents recognize and discharge a responsibility to encourage and support the learning process.

Parents can help children learn by:

1. Requiring that children obey all school rules and by accepting responsibility for a child's improper conduct;

2. Sending children to school with proper attention to health, personal cleanliness, and dress;

3. Maintaining an active interest in each child's daily work and making it possible for the child to complete assigned homework by providing a quiet place and suitable conditions for study;

4. Reading communications from the school and signing and returning them promptly when so requested;

5. Attending conferences arranged for the exchange of information on the child's progress in school; and

6. Scheduling family matters to minimize interference with school time.

Adopted: 24 October 2019

9240 RIGHTS OF PARENTS

The Board of Trustees recognizes that the parents of each child are ultimately responsible for the care and custody of that child, and that both parents share that responsibility equally. The Board recognizes as well that, where only one parent has legal custody of a child, the rights and responsibilities of the other parent may be limited. The Board believes that the interests of the child are best served by the continuing involvement of both parents in the child's life and well-being.

The Board will presume that each parent of a student enrolled in this school possesses full parental rights of access to the student and to information about the student, notwithstanding any separation of the parents or dissolution of their marriage. Accordingly, and in the absence of notice to the contrary, the Board directs that school administrators accommodate the needs of both parents for access to their child, to their child's teachers, and to information about their child.

Every parent, except as prohibited by Federal and State law, shall have access to records and information pertaining to his/her unemancipated child, including, but not limited to, medical, dental, insurance, child care and educational records, whether or not the child resides with the parent, unless that access is found by the court to be not in the best interest of the child or the access is found by the court to be sought for the purpose of causing detriment to the other parent.

The place of residence of either parent shall not appear on any records or information released pursuant to the provisions of this section.

A child's parent may petition the court to have a parent's access to the records limited. If the court, after a hearing, finds that the parent's access to the record is not in the best interest of the child or that the access sought is for the purpose of causing detriment to the other parent, the court may order that access to the records be limited. Proper notice of court action consists of the custodial parent's sworn affidavit or certification supported by a copy of the pertinent portion of a legal agreement or court order that awards custody and establishes the rights and limitation of the noncustodial parent or terminates the parental rights of the noncustodial parent.

Nothing in this policy shall be construed as limiting in any way the rights of the noncustodial parent whose parental rights have not been terminated to full access to his/her child's records.

Adopted: 24 October 2019

9242P USE OF ELECTRONIC SIGNATURES – APSSD

The New Jersey Uniform Electronic Transactions Act (UETA) authorizes a Board of Trustees to use electronic forms, filings, and signatures to conduct official business with the public. The use of electronic forms, filings, and signatures may save school resources and will provide a convenient and cost-efficient option for parents to receive, review, and acknowledge receipt of information from the school. Therefore, the Board of Trustees authorizes the use of electronic forms, filings, and signatures in communications between the school and parents pursuant to the UETA.

For the purposes of this Policy, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

For the purposes of this Policy, "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

For the purposes of this Policy, "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

For the purposes of this Policy, "information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

The school may electronically send documents to parents of students enrolled in the school. These documents may include, but are not limited to: informational notices; school or school related events or activities; periodic updates on a student's progress; school forms; requests for information; and any other communications between the school and home. Some documents electronically sent to parents may require the parent to: acknowledge receipt of a document; provide parental consent for such matters as student compliance with the school's acceptable use of school computers and administration of surveys; and/or acknowledge receipt and acceptance of terms of a Board of Trustees policy, regulation, or practice. Any document sent to parents of students enrolled in the school must be capable of retention by the recipient. To be capable of retention, the recipient at the time of receipt, must be able to retain and accurately reproduce the document for later reference by all persons who are entitled to retain the record. A record is not capable of retention by the recipient if the sender of its information processing system inhibits the ability of the recipient to print or store the electronic record.

The Board of Trustees authorizes documents may be electronically sent to parents of students enrolled in the school only with the approval of the Executive Director. The Executive Director shall establish an information processing system to include a process for parents to electronically send, sign, and return documents to the school. The school shall make accommodations for a parent who is unable or unwilling to conduct business electronically. In addition, a parent may refuse to conduct business electronically for any reason and at any time. In this event, the school shall make available a hard copy of the document(s) to the parent to review, maintain, and any document(s) requiring signatures to be returned to the school. The Executive Director will only implement an information processing system in accordance with the provisions of the UETA.

Documents that are electronically signed and returned to the school may be maintained by the school in electronic or non-electronic form. Documents returned to the school that are not electronically signed shall be maintained by the school in non-electronic form. However, nothing shall prevent the school from converting a non-electronic document to an electronic document and for such document to be stored in electronic form. All electronic or non-electronic documents returned to the school shall be maintained by the school in accordance with the New Jersey Department of the Treasury - Records Management Services - Records Retention Schedules and in accordance with N.J.S.A. 12A:12-12.

N.J.S.A. 12A:12-1 et seq.

Adopted: 24 October 2019

9260 PARENTAL LIABILITY FOR VANDALISM

The school property held by this Board of Trustees represents a substantial investment; and liability for the willful and malicious destruction of that property should be borne by those directly and indirectly responsible.

The Board further believes that parents are ultimately responsible for the supervision and discipline of students and that the knowledge that they are vicariously liable for the acts of their children and wards will encourage parents to exercise that responsibility more vigorously.

Where any property, real or personal, owned by this Board has been willfully and maliciously damaged by any minor, whether or not the person is enrolled in this school, the Board shall bring civil action against the parents having legal custody and control of the person at the time the damage was caused, for the full amount of the damage.

Adopted: 24 October 2019

9280 PARENT CONFERENCES

The Board of Trustees authorizes the parent-teacher conference as an effective means of permitting parents and teachers to share information about students and the educational program in a constructive setting.

The Executive Director may schedule parent-teacher conferences at such times as will permit the maximum attendance of parents, including working parents; to encourage the participation of parents; and to provide in-service training to teachers to assist them in making most effective use of the conference.

The Board believes that the information exchanged in parent-teacher conferences can be of great importance to the student's ability to profit educationally; such conferences are, therefore, an essential part of the educational program and an integral part of a teacher's professional responsibility. Accordingly, all teachers are required to attend the parent conferences scheduled for the children assigned to them. A teacher's failure to observe this policy may be cause for discipline.

The Board regards parent-teacher conferences as non-adversarial meetings in which all persons present are united in a common interest in the educational well-being of the student. The parents of the student may bring to the conference additional persons who share that interest and wish to aid the parents and the teacher. When a parent desires the representation of legal counsel at the conference, however, the Board may wish to be similarly represented. Accordingly, the parent who plans to bring legal counsel to a parent-teacher conference shall notify the school Principal of that intention no later than five working days in advance of the conference in order that the Executive Director may secure such legal representation as he/she may deem advisable.

The purposes of the parent-teacher conference are best served when all persons present share freely and candidly their knowledge of the student's educational progress and information relating to that progress. Any person present may make and preserve notes, for his/her benefit, of the information shared and may, if permitted, make a tape recording of the conference as an aid to memory or to share with an absent parent. Because the presence of the tape recorder may act to impede the free exchange necessary to an effective conference, however, either the parents or the teacher may refuse the other's request that a tape recorder be used.

Adopted: 24 October 2019



9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

The Board of Trustees acknowledges the law compelling school attendance vests in the Board a custodial responsibility for the children in its charge and a duty to protect those children from persons not associated with the school.

The Board further recognizes that its interest in helping children understand and respect the law is best served by a close and cooperative relationship with local law enforcement. The Board adopts Policy and Regulation 9320 in accordance with N.J.A.C. 6A:16-6.1 et seq. to ensure cooperation between school staff and law enforcement officials in all matters relating to the unlawful possession, distribution and disposition of controlled dangerous substances, as defined in N.J.S.A. 24:21-2, including anabolic steroids, drug paraphernalia, alcoholic beverages and/or firearms as defined in subsection f. of N.J.S.A. 2C:39-1.(f); and other deadly weapons as defined in N.J.S.A. 2C:39-1.(r) and in the planning and conduct of law enforcement activities and operations occurring on school property, including arrest procedures and undercover school operations. The Board directs the Executive Director to institute a program of such communication and cooperation.

Policy and Regulation 9320, as adopted by the Board, will be submitted for approval to the County Superintendent of Schools in accordance with N.J.A.C. 6A:16-6.2(a)2.

Policy and Regulation 9320 have been developed and approved by the Board to protect the interests of students and serve the legitimate needs of law enforcement in accordance with N.J.A.C. 6A:16-6.1 et seq.

The Essex Valley School will cooperate with law enforcement agencies as required by law and will work with the student's sending district as required by law. The sending district will be notified in the event the Essex Valley School needs to cooperate with law enforcement in accordance with Policy and Regulation 9320 or law.

N.J.A.C. 6A:16-6.1 et seq.

Adopted: 24 October 2019

9324 SEX OFFENDER REGISTRATION AND NOTIFICATION

The approved private school for students with disabilities (APSSD) will comply with the guidelines developed by the New Jersey Attorney General's Office and will work cooperatively with the County Prosecutor's Office and the local police department regarding the requirements of N.J.S.A. 2C:7-1 et seq. (Megan's Law).

The Megan's Law notification statute applies to all sex offenders who are required to register pursuant to N.J.S.A. 2C:7-1 et seq. The offenses requiring registration by persons convicted, an adjudicated delinquent or a person acquitted by reason of insanity are as indicated in New Jersey Statutes Annotated.

Definitions

A. Tier One offenders encompass those that are a "low risk of re-offense", thus constituting a low risk of harm to the community. This offender is one who, because of the type of crime, the lack of violence in his/her behavior, the lack of a substantial criminal history and the existence of ties to the community presents no more than a possible risk of re-offense.

B. Tier Two offenders encompass those who are a "moderate risk of re-offense", thus constituting a moderate risk of harm to the community in that the pertinent documents demonstrate that they are reasonably likely to re-offend, warranting limited notice for the protection of the public.

C. Tier Three offenders encompass those who are a "high risk of re-offense" in that the available record demonstrates that there is a probable risk of re-offense, warranting notice to the community likely to encounter the offender.

The County Prosecutors Office determines whether the APSSD should receive notification.

The APSSD is automatically included on the notification list and is not required to register to be notified under Tier Two or Tier Three notifications. Where the risk of re-offense is determined by the County Prosecutor's Office to be moderate or high in accordance with the law, the County Prosecutor's Office and/or the appropriate law enforcement office will notify the Principal. The Principal may contact the Prosecutor's Office if the Principal thinks that the APSSD in the notification area has been inadvertently omitted. The APSSD is entitled to receive the offender's name and a recent photograph, along with a physical description, the offense of which he/she was convicted, their address, place of employment and/or schooling, and vehicle license number.

The APSSD shall take appropriate steps to educate and alert those staff members who are charged with the care and supervision of children, emphasizing that this information is intended to assist such staff members in the protection of their charges, not to provide notification to the community at large. All sex offender notification information to the community must be released by the appropriate law enforcement agency or the County Prosecutor's Office. The APSSD and/or any APSSD staff member shall keep all sex offender notification information confidential. In the event the APSSD is notified a student is a Tier One or Two sex offender, the APSSD will cooperate with the local law enforcement and the County Prosecutor's Office on community notification consistent with the law and guidelines of the New Jersey Attorney General's Office.

The County Prosecutor's Office will be asked to provide guidance to APSSD staff members. The APSSD, working in conjunction with the County Prosecutor's Office and/or a local law enforcement office, will hold meetings and other educational programs for staff regarding the safeguarding of the APSSD's children. There will be a strong emphasis on providing pertinent information, constructive knowledge and guidance to the APSSD community, as well as advice concerning the consequences of vigilante activity.

The Principal notified by the Prosecutor's Office will have the discretion to make the determination as to which employees within the APSSD should be informed of the notification. The Principal should share the notice with any person who in the course of the duties of his/her employment or assignment is regularly in a position to observe unauthorized persons in or near the property of the APSSD. If any persons to be notified by the Principal are employees of private contractors, the Principal will notify the private vendor who will provide notice to the employees. The Principal shall only notify appropriate staff of Tier Two or Tier Three notifications and not to provide notification to the community at large. Guidance to the APSSD in providing this information to staff members will be obtainable from the County Prosecutor's Office.

N.J.S.A. 2C:7-1 et seq.
Guidelines - New Jersey Office of the Attorney General

Adopted: 24 October 2019

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 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 and community relations program.

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

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

The Executive Director must approve in advance interviews between staff members or students and media representatives and authorize the release of photographs, video or digital images of school subjects, personnel, or students. Photographs, video or digital images of disabled children shall not be disseminated or used in print or media in any way if they are identified as disabled unless permission is granted by the parent. Photographs, video or digital images of children placed in the school by Division of Child Protection and Permanency (CP&P) shall not be published without the permission of the Division case worker. Where the release of a photograph may violate the privacy of a student or staff member, the Executive Director or designee must first secure the written permission of the staff member or the student's parents.

Adopted: 24 October 2019

9550 EDUCATIONAL RESEARCH PROJECTS

The Board of Trustees will cooperate, whenever appropriate and feasible, with organizations and individuals conducting bona fide educational research involving students enrolled in the school.

All educational research by persons other than school employees must be approved in advance by the Board. A written application for approval must state the purpose of the research, the specific ways in which students will be involved, the estimated duration of the project, the persons who will conduct the research project and their relevant affiliations, and any possible benefits to students or to the school. Approval will be granted only to those projects that will serve the interests of students and the educational program; approval will not be granted to projects that will impede or significantly disrupt the instructional program approved by the Board.

Parents will be informed of any educational research project that involves their children and may request the removal of their children from the project.

The conduct of research activities must rigorously protect students' privacy. Approved researchers may be given access to student records in accordance with rules of the State Board of Education and Board Policy 8330, but shall not abuse this privilege by using information in any way that may embarrass or harm individual students or their families. The Board must be satisfied that strict standards of anonymity and confidentiality will be observed.

Adopted: 24 October 2019

9700 SPECIAL INTEREST GROUPS

The Board of Trustees recognizes the contributions of persons and organizations outside the school may take the form of materials, activities, and awards that tend to serve the interests of the contributor as well as benefit the school and students. For the purposes of this Policy, "organizations outside the school" shall be any organization, group, activity, club, association, agency, or individual that is not approved or sponsored by the Board of Trustees.

The Board reserves the right to review, approve, or reject proposed contributions from organizations outside the school. Proposed contributions may be rejected by the Board, including but not limited to, proposed contributions that have the primary effect of advancing the name, product, or special interest of a person, corporation, or organization; fail to meet school standards of accuracy and good taste; are of little or no educational value to students; make unreasonable demands upon the time and energies of staff and students or upon the resources of the school; interrupt or interfere with the regular school program; or involve a direct cost to the school.

The approval of the use of any material or the conduct of any activity offered by an organization outside the school shall not under any circumstances be construed as an endorsement by this Board of any interest, cause, or organization.

Permission to solicit or raise funds on school premises will be granted only to those persons and organizations whose purposes are consistent with the goals of this school and the interests of the community and are in accordance with the Board's fundraising policy. Solicitation or fundraising may not interfere with the orderly operation of the schools. The Board will not be responsible for the protection of or accounting for such funds and these funds may not be deposited in any school account.

The Board will not permit the distribution of literature to or through students in the school for any organization outside the school.

However, distribution of literature to or through students in the school may be approved by the Executive Director or designee if the organization requesting the distribution of literature is a local, State, county or Federal governmental agency or a community, non-profit organization and the information is determined by the Executive Director or designee to be of special interest to school students or the community. Written requests for the distribution of this literature must be submitted to the Executive Director or designee with one copy of the specific literature to be distributed. The approval and method of the distribution of literature will be at the discretion of the Executive Director or designee. Any approval for such distribution will be consistent with the governing principles of the First Amendment of the United States Constitution. In no circumstance will the school release confidential student information.



The Board prohibits the distribution of political literature to or through the students of this school in school buildings or on school grounds that promotes, favors, or opposes the candidacy of any candidate for election at any annual school election, or the adoption of any bond issue, proposal, or any public question submitted at any general, municipal or school election. No student shall be requested or directed by any school official or employee to engage in any activity that tends to promote, favor, or oppose any such candidacy, bond issue, proposal or a public question submitted at any election.

The Board will permit the award of scholarships or prizes to deserving students provided that information regarding students is released only in accordance with Policy 8330 on Student Records, the manner of selection of the recipient is approved by the Executive Director or designee and includes consultation with appropriate staff members, and the nature of the prize or award is approved by the Executive Director or designee.

Solicitation and Distribution of Material

Solicitation of an employee by another employee is prohibited while either one is on his or her working time. Solicitation includes, but is not limited to, sale of raffle tickets, household goods (such as Avon products), food products, or personal items as well as appeals for charitable contributions. The distribution of any material of any kind is prohibited on working time or in working areas at all times.

No Trespass Rule

Solicitation, distribution, or trespassing by non-employees on school premises is strictly prohibited.

N.J.S.A. 18A:42-4
United States Department of Education - Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools

Adopted: 24 October 2019

9720 SOLICITATIONS BY VENDORS

The Board of Trustees will permit vendors to solicit students and parents for the sale of goods and services through the school, provided that the Board has given prior approval to the vendor and to the solicitation.

The Executive Director shall review each vendor's request to solicit sales and shall recommend to the Board for its approval only those that offer a product or service that is related to the educational goals of this school and offers good value to purchasers.

Any funds collected on behalf of a vendor approved by the Board under this policy shall be kept in a separate account pending transfer to the vendor. The Board disclaims any responsibility for any such funds.

In the event that more than one vendor requests permission to solicit sales of a particular product or service, or the Executive Director seeks a vendor to provide a particular product or service to parents or students, the Executive Director shall seek quotations from qualified vendors in order to determine which will provide the greater value to purchasers.

The Board reserves the right to withdraw its approval of any vendor at any time.

Adopted: 24 October 2019