FOREWORD

The Board of Trustees has authorized the Executive Director to promulgate administrative regulations except where the Board requires such to be approved. All policies and regulations shall be binding on all students, employees, and visitors to the school.

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

These regulations apply to the school. The Principal may establish additional rules as necessary to apply these regulations to their school, provided that school rules do not exceed the authority set forth in these regulations.

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

R 1000 ADMINISTRATION

Number	Title
R 1240	Evaluation of Executive Director (M)
R 1330	Evaluation of Business Manager (M)
R 1400	Job Descriptions (M)
R 1510	Americans with Disabilities Act (M)
R 1530	Equal Employment Opportunity Complaint Procedure (M)
R 1550P	Equal Employment/Anti-Discrimination Practices – APSSD (M)
R 1613P	Disclosure and Review of Applicant's Employment History – APSSD (M)

R 1240 EVALUATION OF EXECUTIVE DIRECTOR

A. Roles and Responsibilities for the Implementation of the Annual Evaluation Policy and Procedures

1. The Board of Trustees and the Executive Director will develop and the Board will adopt a job description and evaluation criteria for the Executive Director's position based upon the Board's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the Executive Director.

2. The Executive Director shall have primary responsibility for data collection and reporting methods appropriate to the job description.

3. The Board President, or the Board President's designee, shall oversee the annual evaluation of the Executive Director.

4. The Board President shall establish timelines for completion of the annual evaluation of the Executive Director.

B. Annual Summary Conference

1. The Board of Trustees shall conduct an annual summary conference with the Executive Director to develop and prepare an annual performance report.

2. The annual summary conference between the Board of Trustees, with a majority of its total membership present, and the Executive Director shall be held before the annual performance report is prepared and filed.

3. The Executive Director shall submit to all Board members any information, documents, statistics, or any other data or information he/she would like for the Board members to consider at the annual summary conference.

4. The Board President, or the Board President's designee, shall preside over the Board's annual summary conference meeting.

5. The conference shall be held in executive session, unless the Executive Director requests it be held in public. The conference shall include, but not be limited to, review of the following:

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

b. 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

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

C. Annual Performance Report

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

   a. Performance area(s) of strength;

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

   c. Recommendations for professional growth and development;

   d. 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

   e. 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.

2. The Board President, or the Board President's designee, shall prepare a draft of the annual performance report after the annual summary conference.

3. The draft of the annual performance report shall be disseminated to all Board members for review and comment before presenting the draft report to the Executive Director.

   a. In the event a Board member believes a provision(s) of the draft of the annual performance report is not in accord with the provisions agreed to by a majority of the Board during the annual summary conference, the Board member shall submit in writing their proposed revision(s) to the drafter of the annual performance report. The draft of the annual performance report may be revised by the drafter of the report if the drafter agrees with the Board member's proposed revision. In the event the drafter does not agree with the proposed revision(s), the issue shall be presented to the full membership of the Board of Trustees in executive session to make a final determination.

4. The draft of the annual performance report shall be presented to the full membership of the Board of Trustees in executive session for discussion and approval after the draft report has been disseminated to all Board members for review. The Executive Director shall receive a copy of the draft of the annual performance report from the Board President, or Board President's designee, prior to the executive session where the Board is scheduled to discuss and approve.

5. In the event the Executive Director does not agree with a provision(s) in the draft of the annual performance report, the Executive Director shall be provided an opportunity to discuss with the full membership of the Board reconsideration of the disputed provision(s).

6. A majority of the Board's full membership shall approve the draft of the annual performance report before presenting the final annual performance report to the Executive Director.

7. The Executive Director may submit a written response to the final annual performance report, which shall be attached to the report.

Adopted: 24 October 2019

R 1330 EVALUATION OF BUSINESS MANAGER

A. Frequency of Evaluation

The Executive Director will evaluate the performance of the Business Manager annually.

B. Purpose

The evaluation of the Business Manager shall be for the purpose of:

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

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

3. Reviewing the performance of the Business Manager against specific criteria developed by the Executive Director in consultation with the Board.

C. Evaluation Criteria

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

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

3. The Executive Director will complete a written evaluation of the Business Manager.

4. Upon completion, the Executive Director will provide a copy of the evaluation to the Business Manager.

5. The Executive Director and Business Manager will meet for an Annual Summary Conference to discuss the evaluation, establish a plan for performance, improvement, and growth.

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

D. Collection and Reporting of Evaluation Data

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

1. Direct observation;

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

3. Interviews with the Business Manager by the Executive Director regarding his/her knowledge of assigned duties;

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

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

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

7. Reference to previous performance reports.

E. Preparation of Written Evaluation Report

An annual written performance report shall be prepared by the Executive Director. The report will include, but need not be limited to:

1. Performance areas needing improvement;

2. A plan for professional growth and development; and

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

F. Conduct of Annual Performance Conference

1. An annual summary conference with the Business Manager will be conducted by the Executive Director before the annual performance report is filed.

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

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

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

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

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

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

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

Issued: 24 October 2019

R 1400 JOB DESCRIPTIONS

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

B. Each job description must include:

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

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

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

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

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

C. Each job description will:

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

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

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

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

D. Maintenance of school job descriptions shall be the responsibility of the Executive Director or designee. Job descriptions shall be reviewed on the request of a single position holder.

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

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

Adopted: 24 October 2019

R 1510 AMERICANS WITH DISABILITIES ACT

The Board of Trustees will comply with the requirements of the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (hereafter referred to as the "Act.")

A. Definitions

1. "Act" means the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.

2. "Auxiliary aids and services" are identified based on the context of the communication and the individual's disability. 28 CFR §35.104

   They include, but are not limited to:

   a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

   b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;

   c. Acquisition or modification of equipment or devices or similar services and actions; and

   d. Other similar services and actions.

3. "Board" means the Board of Trustees of this school.

4. "Companion" means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school, who, along with such individual, is an appropriate person with whom the school should communicate.

5. "Complete complaint" means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant's name and address and describing the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104

6. "Current illegal use of drugs" means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

7. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139

8. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:

   a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

   b. A record of such an impairment; or

   c. Being regarded as having such an impairment.

9. "Drug" means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812

10. "Employee" means an individual employed by the Board.

11. "Essential functions of the employment position" are based upon the employer's judgment and can include an employer's written description, prepared before advertising or interviewing applicants for the job.

12. "Existing facility" means a facility in existence on any given date, newly constructed or altered.

13. "Facility" means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.

14. "Illegal use of drugs" means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812

15. "Individual with a disability" means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the school acts on the basis of such use.



16. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also includes physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105

17. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102

    a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.

18. "Office for Civil Rights" (OCR) means the United States Department of Education Office for Civil Rights.

19. "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104



20. "Physical or mental impairment" means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4

    a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

    b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.

    c. An impairment that is episodic or in remission may be considered a "disability" if it would substantially limit a major life activity when active.

    d. Not all impairments are disabilities.

21. "Public entity" means this Board of Trustees.

22. "Qualified individual" for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer's judgment) that such individual holds or desires. An employer's written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)

23. "Reasonable accommodation" may include making existing facilities used by employees readily assessable to and usable by individuals with disabilities and 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.

24. "Record of such an impairment" means the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

25. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action under the Act because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.

    a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)

    b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.

26. "School" means this school.

27. "School Coordinator" means the school official responsible for the coordination of activities relating to compliance with the Act.

28. "Substantially limits" means the extent to which the impairment limits an individual's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102(4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits performance of a major life activity include:

    a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.

    b. That it does not demand extensive analysis.

c. That it substantially limits one major life activity, but not necessarily other major life activities.

d. That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.

e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.

f. That it requires an individualized assessment which does not create an "inappropriately high level of limitation" and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).

g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).

h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.

i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: "actual disability" or "record of".

29. "Undue hardship" means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the school or facility providing the reasonable accommodation; the size of the school with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)

30. "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.

B. General Requirements

1. Prohibitions Against Discrimination

a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of school services, programs, or activities or be subjected to discrimination by the school in accordance with 28 CFR §35.130. The school must ensure that:

(1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and

(2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.

b. The school is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the school to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.

2. Direct Threat - 28 CFR §35.139

a. 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.

b. To determine whether an individual poses a direct threat to the health or safety of others, the school must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:

(1) The nature, duration, and severity of the risk;

(2) The probability that the potential injury will actually occur; and

(3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

3. Illegal Use of Drugs - 28 CFR §35.131

a. The school will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:

(1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(2) Is participating in a supervised rehabilitation program; or

(3) Is erroneously regarded as engaging in such use.

b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of drugs, the school will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

c. The Act does not prohibit the school from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

C. Personal Devices and Services

1. The school will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137

2. The school will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the school can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The school will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The school may require the individual to provide credible assurance that the device is required because of the person's disability.



3. The school is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.

D. Employment - 42 U.S.C. 126 §12112

1. Discrimination in Employment

a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.

b. Applicants and employees working for or applying to work for the school who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the school.

c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.

d. The school may not, on the basis of disability:

(1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;

(2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;

(3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;



(4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the school can demonstrate that the accommodation would impose undue hardship to school operations;

(5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the school, is shown to be job-related for the position in question and consistent with business necessity; and/or

(6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).

2. Medical Examinations and Inquiries - (42 U.S.C. 126 §12112)

a. Pre-employment

(1) Prohibited examination or inquiries:

(a) Whether such an applicant is an individual with a disability; or

(b) The nature or severity of such disability.

(2) Acceptable inquiry:

(a) The ability of an applicant to perform job-related functions.

b. Employment Entrance Examinations

(1) The school may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:

(a) All entering employees are subject to such an examination regardless of disability;

(b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;

ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

iii. Government officials investigating compliance with this Act, will be provided relevant information on request.

(2) The results of such examination shall only be used in accordance with these provisions.

c. Examination and Inquiry:

(1) Prohibited examinations and inquiries:

(a) The school will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(2) Acceptable examinations and inquiries:

(a) The school may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the school.

(b) The school may make inquiries into the ability of an employee to perform job-related functions.

3. Defenses - 42 U.S.C. 126 §12113

a. Qualification Standards

(1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under the Act.

(a) The term "qualification standards" may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.

(b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.

b. Infectious and Communicable Diseases

(1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.



c. Illegal Use of Drugs and Alcohol - 42 U.S.C. 126 §12114

(1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.

(2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

d. Drug Testing

(1) For the purposes of the Act, a test to determine the illegal use of drugs will not be considered a medical examination.

(2) No provision of the Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

E. Program Accessibility

1. Discrimination Prohibited

a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the school's facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the school, or be subjected to discrimination by the school.

b. The school will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133

(1) In regard to existing facilities, the school will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.



(a) The school is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens. 28 CFR §35.150(a)

(b) Should the Board and Executive Director or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.

(c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the school.

(2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the school will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.

(a) Full compliance with the requirements of 28 CFR §35.151 is not required where the school can demonstrate that it is structurally impracticable to meet the requirements.

(b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.

F. Communications - 28 CFR §35.160

1. The school will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

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

   a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

   b. The school will not require an individual with a disability to bring another individual to interpret with a disability. The school will not rely on an adult accompanying an individual with a disability or on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.

3. Where the school communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will be used to communicate, in the same time and manner as with other telephone systems (including automated systems). 28 CFR §35.161

4. The school will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances. 28 CFR §35.163

G. Grievance Procedure - 28 CFR §35.107(b)

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.

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

   a. The complainant's name and address;

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

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

   d. Results of discussions conducted in accordance with paragraph G.1. above; and

   e. Reasons why those results are not satisfactory.

3. The School Coordinator will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Executive Director.

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

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

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

7. The complainant may appeal the Executive Director's decision to the Board by filing a written appeal with the Business Manager no later than three working days after receipt of the Executive Director's decision. The appeal shall include:

   a. The original complaint;

   b. The response to the complaint;

   c. The Executive Director's decision;

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

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

8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.

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

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

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

    U.S. Department of Justice
    950 Pennsylvania Avenue, NW
    Civil Rights Division
    Disability Rights Section – 1425 NYAV
    Washington, D.C. 20530

12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the school may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.

13. Record:

    a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the School Coordinator.

    b. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Adopted: 24 October 2019

R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any school employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of State statutes and administrative codes, and Federal laws and Policy 1530, guaranteeing "equal access to all categories of employment without 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."

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

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

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

B. Definitions

1. "Board of Trustees" means the Board of Trustees of the Essex Valley School.

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

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

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

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

6. "School" means the Essex Valley School.

C. Procedure

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

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

   a. The complainant's name and address,

   b. The specific act or practice that the complainant complains of,

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

   d. The results of discussions conducted in accordance with paragraph C.1., and

   e. The reasons why those results are not satisfactory.

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

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

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



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

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

   a. The original complaint,

   b. The response to the complaint,

   c. The Executive Director's decision,

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

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

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

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

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

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

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

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

D. Record

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

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

Issued: 24 October 2019

R 1550P EQUAL EMPLOYMENT/ANTI-DISCRIMINATION PRACTICES – APSSD

A. Purpose and Application

1. The purpose of this procedure is to give any school employee the opportunity to appeal an alleged violation of the New Jersey Law Against Discrimination and any other Federal regulation regarding employment and contract practices, as set forth in Policy 1550P or in a plan formally adopted by the Board of Trustees.

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

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

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

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

B. Definitions

1. "Board of Trustees" means the Board of Trustees of the Essex Valley School.

2. "Complaint" means an alleged violation of Policy 1550P.

3. "Complainant" means a staff member who alleges a violation of Policy 1550P.

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

5. "School" means the Essex Valley School.

6. "Violation" means the failure of a school official or employee to take the positive steps outlined in Policy 1550P to remove impermissible bias or preference from all aspects of school employment or contract practices and/or to correct the results of past discrimination.

C. Procedure

1. A Complainant who believes he/she has been harmed or adversely affected by a failure to enforce the New Jersey Law Against Discrimination or any other Federal regulation regarding employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.

   a. In the event the Complainant believes their immediate supervisor may be conflicted or if the immediate supervisor is not available, the Complainant may proceed directly to the school's Affirmative Action Officer as outlined in C.2. below.

   b. In the event the Complainant believes the school's Affirmative Action Officer may be conflicted, the Complainant may submit a written complaint to the Executive Director who will designate a supervisor or administrative staff member to conduct the investigation in accordance with the procedures outlined in this Regulation. The Executive Director will ensure the supervisor or administrative staff member is provided affirmative action training in accordance with State mandates and guidelines.

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

   a. The Complainant's name and address;

   b. The specific failure to act that the Complainant complains of;

   c. The school officer or employee, if any, responsible for the alleged violation of Policy 1550P;

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

   e. The reasons why those results are not satisfactory.

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



4. The response of the Affirmative Action Officer may be appealed to the Executive Director in writing within three business days after it has been received by the Complainant. The appeal will include the original complaint, the response to the complaint, and the Complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated Policy 1550P.

5. Upon request, the Complainant will be given an informal hearing before the Executive Director, at a time and place convenient to the parties, but no later than seven business days after the request for a hearing has been submitted. The Executive Director may also require the presence at the hearing of the staff member charged with violation of Policy 1550P and any other person with knowledge of the violation complained of.

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

7. The Complainant may appeal the Executive Director's decision to the Board by filing a written appeal to the Board no later than three business days after receipt of the Executive Director's decision. The appeal will include:

   a. The original complaint;

   b. The response to the complaint;

   c. The Executive Director's decision;

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

   e. The Complainant's reason for believing the Executive Director's decision should be changed.

8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of Policy 1550P.

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



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

D. Record

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

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



R 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 shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students and is offered employment or commences employment following June 1, 2018 unless the school district, charter school, nonpublic school, contracted service, or APSSD provider complies with the requirements of N.J.S.A. 18A:6-7.6 et seq. as outlined in Policy and Regulation 1613P.

A. Definitions (N.J.S.A. 18A:6-7.6 et seq.)

For the purposes of this Policy and Regulation:

1. "Applicant" means any person considered for employment or offered employment for pay or contract for the paid services of any person serving in a position which involves regular contact with students.

2. "Child abuse" means any conduct that falls under the purview and reporting requirements of N.J.S.A. 9:6-8.8 et seq. and is directed toward or against a child or student, regardless of the age of the child or student.

3. "Disclosure Information Request Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Information Request, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.

4. "Disclosure Release Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Release, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.

5. "Hiring entity" means all school entities including school districts, charter schools, nonpublic schools, APSSD, or contracted service providers holding a contract with a school district, charter school, nonpublic school, or APSSD.

6. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.



B. Hiring Entity Required Application and Review Process (N.J.S.A. 18A:6-7.7)

1. A 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 provisions of N.J.S.A. 18A:6-7.6 et seq.

   a. The hiring entity shall require an applicant to provide a Disclosure Release Form which must include the following information:

      (1) A list, including name, address, telephone number, and other relevant contact information of the applicant's:

         (a) Current employer;

         (b) All former employers within the last twenty years that were schools; and

         (c) All former employers within the last twenty years where the applicant was employed in a position that involved direct contact with children; and

      (2) A written authorization that consents to and authorizes disclosure of the information requested under b. below pursuant to N.J.S.A. 18A:6-7.7.a.(2) and the release of related records by the applicant's employers listed under B.1.a.(1) above, and that releases those employers from liability that may arise from the disclosure or release of records;

      (3) A written statement as to whether the applicant:

         (a) Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

         (b) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or



(c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

(4) The hiring entity must comply with the requirements of N.J.S.A. 18A:6-7.6 et seq. for every applicant who will be employed by the hiring entity.

(a) However, the provisions of N.J.S.A. 18A:6-7.6 et seq. may be required by the hiring entity for any applicant.

b. The Executive Director or designee of the hiring entity will review the applicant's Disclosure Release Form. Upon determining to continue the application process, the Executive Director or designee shall provide the applicant's Disclosure Release Form to all employers listed by the applicant under the provisions of N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above and provide all employers listed with the applicant's written authorization that consents to and authorizes disclosure in accordance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) and request the following information:

(1) The dates of employment of the applicant; and

(2) A statement as to whether the applicant:

(a) Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

(b) Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or



(c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

c. The review of the applicant's employment history may be conducted through telephonic, electronic, or written communications in accordance with N.J.S.A. 18A:6-7.7.

(1) If the review is conducted by telephone, the results of the review shall be documented in writing by the Executive Director or designee responsible for reviewing the applicant's employment history. The Executive Director or designee may use the Disclosure Release Form to complete this review.

2. After reviewing the information disclosed by an employer under B.1.b. above and finding an affirmative response to any of the inquiries listed and if the Executive Director or designee of the hiring entity determines to continue with the applicant's job application process, the Executive Director or designee shall make further inquiries of the applicant's current and/or former employer(s) to ascertain additional details regarding the matter disclosed pursuant to N.J.S.A. 18A:6-7.10.

a. The Executive Director or designee shall make these additional inquiries by requesting the current and/or former employer to complete the Disclosure Information Request Form and attach additional information, including the initial complaint and final report, if any, regarding the incident of child abuse or sexual misconduct.

b. The Executive Director, upon receiving and reviewing the additional information disclosed in accordance with B.2.a. above, will make a determination to continue with the applicant's job application process.

3. All employment history documentation for each applicant employed by the hiring entity in accordance with N.J.S.A. 18A:6-7.6 et seq. shall be maintained by the Executive Director or designee in the employee's personnel file and shall only be destroyed in accordance with the APSSD's policies regarding record retention.

4. Employment history review pursuant to N.J.S.A. 18A:6-7.6 et seq. is not required for applicants the hiring entity does not wish to employ.

5. The hiring entity, in accordance with N.J.S.A. 18A:6-7.9.b., in conducting the review of the employment history of an out-of-State applicant, shall make, and document with specificity, diligent efforts to:

   a. Verify the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a. and B.1.a. above; and

   b. Obtain from any out-of-State employers listed by the applicant the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.

C. Completing a Disclosure Request from a Hiring Entity Regarding a Current or Former Employee (N.J.S.A. 18A:6-7.9)

1. All requests for information from a hiring entity regarding a current or former employee of this APSSD in accordance N.J.S.A. 18A:6-7.6 et seq. shall be directed to the Executive Director or designee.

   a. The Executive Director or designee, upon receiving a request from a hiring entity for information, shall provide the information requested in accordance with N.J.S.A. 18A:6-7.6 et seq. to the hiring entity submitting the request if:

      (1) The employment relationship is confirmed pursuant to N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above; and

      (2) The written authorization is in compliance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) above.

   b. At the discretion of the Executive Director, the requested information may be provided through telephonic, electronic, or written communications, pursuant to N.J.S.A. 18A:6-7.7 and B.1.c. above.

2. In the event a hiring entity requests additional information from this APSSD beyond a response to the questions as outlined in N.J.S.A. 18A:6-7.7.b. and B.1.b. above, the Executive Director or designee will review the written request and will make a determination as to the additional information and/or documentation to be provided to the hiring entity. Any request for additional information and/or documentation must be submitted by the hiring entity in writing to the Executive Director or designee before providing any additional information and/or documentation.



a. Upon providing such additional information and/or documentation, the Executive Director or designee will take every measure to ensure privacy and confidentiality, consistent with State and Federal laws and regulations regarding student privacy and the privacy rights of others.

b. Any personally identifiable information regarding any student or other individual other than the applicant's personally identifiable information shall be redacted prior to the release of any additional information.

c. The requested additional information should be provided to the hiring entity within twenty days, as required by statute.

3. A copy of all requests for information and any information provided to a hiring entity, in accordance with the provisions of Policy and Regulation 1613P and N.J.S.A. 18A:6-7.6 et seq., shall be maintained by the Executive Director or designee in the applicant's personnel file and shall only be destroyed in accordance with the APSSD's policies regarding record retention.

D. Timeline for Current or Former Employers to Disclose Information (N.J.S.A. 18A:6-7.9)

1. No later than twenty days after receiving a request for information under N.J.S.A. 18A:6-7.7.b. and B.1.b. above, an employer that has or had an employment relationship within the last twenty years with the applicant shall disclose the information requested pursuant to N.J.S.A. 18A:6-7.6 et seq.

2. The failure of an employer to provide the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above within the twenty day timeframe established under N.J.S.A. 18A:6-7.9.a. and D.1. above may be grounds for the automatic disqualification of an applicant from employment with a hiring entity. A hiring entity shall not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated:

a. Because of any information received by the hiring entity from an employer pursuant to N.J.S.A. 18A:6-7.7 and B. above; or

b. Due to the inability of the hiring entity to conduct a full review of the applicant's employment history pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.



E. Provisional Employment (N.J.S.A. 18A:6-7.10)

A hiring entity may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review by the hiring entity of information received pursuant to N.J.S.A. 18A:6-7.7 and B. above, provided that all of the following conditions are satisfied:

1. The applicant has complied with N.J.S.A. 18A:6-7.7.a. and B.1.a. above;

2. The hiring entity has no knowledge or information pertaining to the applicant that the applicant is required to disclose pursuant to N.J.S.A. 18A:6-7.7.a.(3) and B.1.a.(3); and

3. The hiring entity determines that special or emergent circumstances exist that justify the temporary employment of the applicant.

F. Penalties to Applicants (N.J.S.A. 18A:6-7.8)

1. An applicant who willfully provides false information or willfully fails to disclose information required in N.J.S.A. 18A:6-7.7.a. and B.1.a. above:

   a. Shall be subject to discipline up to, and including, termination or denial of employment;

   b. May be deemed in violation of subsection a. of N.J.S.A. 2C:28-3; and

   c. May be subject to a civil penalty of not more than $500 which shall be collected in proceedings in accordance with the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq.).

2. A hiring entity shall include a notification of the penalties set forth in N.J.S.A. 18A:6-7.8 and F.1. above on all applications for employment for positions which involve regular contact with students.

G. Termination (N.J.S.A. 18A:6-7.9.d.)

1. A hiring entity shall have the right to immediately terminate an individual's employment or rescind an offer of employment if:



a. The applicant is offered employment or commences employment with the hiring entity following June 1, 2018; and

b. Information regarding the applicant's history of sexual misconduct or child abuse is subsequently discovered or obtained by the hiring entity that the hiring entity determines disqualifies the applicant or employee from employment.

2. The termination of employment pursuant to the provisions outlined in G.1. above and 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.

H. Information Not Deemed Public Record and Immunity (N.J.S.A. 18A:6-7.11)

1. Information received by an employer in accordance with 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.

2. An employer, school district, charter school, nonpublic school, APSSD, school administrator, or contracted service provider 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. The immunity shall be in addition to and not in limitation of any other immunity provided by law.

I. Prohibited Actions Relative to Certain Agreements and Employment Contracts (N.J.S.A. 18A:6-7.12)

1. On or after June 1, 2018, an APSSD 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:

a. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;

b. Affects the ability of a school district, charter school, nonpublic school, APSSD, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or

c. Requires the APSSD to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by APSSD, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.

2. 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:6-7.12 shall be void and unenforceable.

J. Public Awareness Campaign (N.J.S.A. 18A:7.13)

1. The New Jersey Department of Education (NJDOE) shall establish a public awareness campaign to publicize the provisions of N.J.S.A. 18A:6-7.6 et seq. and to ensure applicants and employers are aware of their respective rights and responsibilities under N.J.S.A. 18A:6-7.6 et seq. The NJDOE shall post on its website guidance documents and any other informational materials that may assist applicants and employers in the implementation of and compliance with N.J.S.A. 18A:6-7.6 et seq.

2. The NJDOE developed forms for applicants and employers may be used to comply with the requirements of Policy and Regulation 1613P and N.J.S.A. 18A:6-7.7, as well as any other forms necessary to carry out the provisions of N.J.S.A. 18A:6-7.6 et seq.

R 2000 PROGRAM

Number	Title
R 2260	Affirmative Action Program for School and Classroom Practices Complaint Procedure (M)
R 2340	Field Trips
R 2361	Acceptable Use of Computer Networks/Computers and Resources
R 2411	Guidance Counseling (M)
R 2418	Section 504 of the Rehabilitation Act of 1973 – Students (M)
R 2431.2P	Medical Examination Prior to Participation on a School-Sponsored Interscholastic or Intramural Team or Squad – APSSD (M)
R 2431.4	Prevention and Treatment of Sports-Related Concussions and Head Injuries (M)
R 2461	Special Education/Receiving Schools (M)
R 2531	Use of Copyrighted Materials

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

A. Purpose and Application

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

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

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

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

B. Definitions

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

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

3. "Board of Trustees" means the Board of Trustees of Essex Valley School.

4. "Complainant" means a student or parent who believes that he/she has been harmed or adversely affected by a failure to enforce the school's Affirmative Action Plan.

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

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

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

8. "School" means the Essex Valley School.

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

C. Procedure

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

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

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

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

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

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

   e. The reasons why those results are not satisfactory.

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

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

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

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

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

   a. The original complaint,

   b. The response to the complaint,

   c. The Executive Director's decision,

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

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

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

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

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

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

D. Record

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

R 2340 FIELD TRIPS

A. Definition

A "field trip" is any journey by a group of students away from the school premises that has been duly approved in accordance with Policy 2340.

B. Approval of Trips

1. A list of either reward or educational field trips considered appropriate will be prepared cooperatively by teaching staff members and approved by the Principal and/or the Educational Committee. The approved list will be reviewed annually for additions, deletions, and revisions and will be distributed to teachers as a suggested guideline.

2. The acceptance of the list does not constitute approval of any specific field trip on the list or of the number of field trips proposed by a teacher.

3. A teacher shall request approval of a specific field trip by submitting a written application to the Principal no less than fourteen working days prior to the date of the anticipated t
rip. Field trip application forms are available in the Principal's office.

4. The field trip application will include:

   a. Proposed date of the trip (which should be checked in advance against the school calendar) and any alternate date(s);

   b. The proposed destination and, if the destination is not generally known, its description and the reason it is selected by the teacher;

   c. The location of the destination and the route that will be taken to it;

   d. Transportation arrangements, the estimated cost of transportation, and the provision of safe and adequate loading and unloading areas for bus-borne students;

   e. The time of departure and the estimated time of return to the school;

   f. Provisions for emergency and sanitation facilities;

   g. Admission fees and tolls, if any;

   h. Provisions for meals, if any are required; and

   i. Any special medical staff required to attend the trip.

5. The Principal may deny a field trip request when:

   a. The application is incomplete;

   b. The anticipated cost is excessive;

   c. The proposed trip bears insufficient relationship to the curriculum;

   d. The students involved will have been taken from the class for the trip and other activities for an excessive amount of time;

   e. The trip conflicts with other scheduled events or with other demands on school buses;

   f. The class has exceeded its equitable allocation of field trips;

   g. The trip will bring all students back to the school before dismissal time; or

   h. The destination and trip activity are inappropriate choices for students of the age and maturity typical of the class.

6. The teacher will be given written approval or denial of the teacher's request for a field trip.

C. Planning and Preparation

1. Each teacher who plans a field trip should take the following preliminary steps:

   a. Determine that the proposed trip is the best method available for achieving the desired learning outcomes. Consult the list of approved field trip destinations for alternatives;

   b. Consult the school calendar for any conflicts with the projected date of the field trip and for any clusters of field trips on or about that date;

   c. Determine whether classes can be combined in a joint field trip for maximum economy;

   d. Gather the information necessary to fill out the field trip application form; and

   e. Complete and submit the form.

2. If the field trip is approved, the teacher should take the following preparatory steps:

   a. Discuss the proposed trip with students, giving particular attention to;

(1) The purpose of the trip and its relationship to the course of study,

(2) What in the trip the students should give particular attention to and ask questions about,

(3) Any reports, note taking, sketching, or the like students should accomplish on the trip,

(4) The assignment of background materials and research to enhance the value of the trip, and

(5) Rules of conduct and expected behaviors, both at the trip destination and in transit to and from the destination.

b. Distribute and collect a permission slip from the parent of each student who will participate in the trip. The slip will include notice of:

(1) The date, departure time, and return time;

(2) The destination and its location;

(3) The name of the teacher in charge;

(4) The means of transportation; and

(5) The purpose of the trip.

Signed permission slips will be filed with the teacher, who will file them until the end of the school year. When necessary, verbal permission (via phone) will be allowed at the discretion of the administration.

c. Arrange with officials at the point of destination for:

(1) The students' admission;

(2) The provision of any materials that will enhance the trip;

(3) The services of guides,if necessary; and

(4) The provision of meals,if necessary.

d. Arrange and schedule transportation;

e. Arrange for chaperones, who may be other teaching staff members or volunteers and apprise them of their responsibilities.

f. If unfamiliar with trip destination, make a reasonable effort to visit the premises to become acquainted with points of interest, special features, potential problem areas, and the food and restroom accommodations.

g. Notify other teachers or departments, as appropriate, of the nature of the field trip and the students involved in the trips:

(1) To permit other teachers to plan for the absences; and

(2) To encourage other teachers to incorporate the field trip experience in their lesson plans.

h. Notify the cafeteria manager, no later than five working days in advance, of the number of students who will miss lunch on the day of the field trip.

i. Ascertain whether any student participating in the field trip will or may require medication in the course of the trip and arrange for the presence of the school nurse, a registered nurse, or the student's parent to administer the medication, except where students are allowed to self-administer medication under statutory authority. If none can be present, report the matter to the Principal who may deny the student's participation.

3. On the day of the field trip, the teacher will:

a. If the weather is inclement and the trip is to take place out of doors or involves transportation that might be made hazardous by the weather.

(1) Check with the Principal who may determine to cancel or postpone the trip.

(2) If the trip is canceled or postponed, promptly inform chaperones.

b. Take attendance and deliver to the Principal a roster of the students who are actually leaving on the field trip.

c. Ascertain that the full complement of assigned chaperones is present and prepared.

d. Make no change or substitutions in the trip itinerary unless an emergency has occurred.

e. Not permit students to smoke.

f. Not allow backpacks or containers of any kind unless prior approval is received by administration.

g. Not allow any inappropriate or unacceptable behavior by a student(s) which may result in disciplinary action and possible loss of eligibility for future trips. There may also be a loss of level in the Essex Valley School Behavior Modification Program.

D. Chaperones

1. The teacher in charge of the trip is responsible for appointing and training chaperones. Chaperones should be persons known to the teacher to be responsible, dependable, and comfortable with children of the students' age and maturity.

2. The Board will pay the expenses of chaperones to the extent that the expenses of students and teachers are paid.

3. Chaperones will be assigned a specific group of students and are accountable for the welfare of those students. Students must not be left unattended; if the chaperone must briefly leave his/her assigned students, the chaperone should ask the teacher or another chaperone to take his/her place for the absence.

4. Smoking and the use of alcohol or drugs or the possession of weapons is prohibited for both students and chaperones.

5. Prior to their arrival at the destination, chaperones should inform the students in their charge of:

   a. The conduct expected of them,

   b. The time and place of departure, and

   c. Any other information necessary to the conduct of the trip, such as meal arrangements and the location of restrooms.

6. Chaperones should attempt to regulate student conduct. Any significant or persistent disciplinary problem should be reported to the teacher for appropriate action.

E. Emergencies

The following guidelines will be followed in the event of an emergency during a field trip.

1. In the event of a medical emergency, the teacher shall summon first aid and/or ambulance services. Any medical emergency shall be immediately reported to the Principal. Within twenty-four hours of the trip, the teacher shall file with the Principal a full written report of the emergency and the steps taken to protect the victim's health and safety.

2. In the event of a delay that will bring students back to school later than anticipated and after the end of the school day, the teacher will, as soon as he/she can estimate the actual time of arrival, call the Principal or a person designated by the Principal to remain at the school as emergency coordinator. The Principal or emergency coordinator will:

   a. Inform parents of the delay by telephone;

   b. Make the school facilities available to waiting parents or transportation services;

   c. Remain at the telephone to answer incoming calls; and

   d. Confer with the teacher to be certain all students have been safely dispatched.

F. Follow-up and Evaluation

1. The teacher in charge of the field trip should express his/her appreciation to:

   a. The chaperones, both lay and professional;

   b. The officials and guides at the destination; and

   c. Any other persons or representatives who assisted in the conduct of the trip.

2. The teacher in charge should incorporate the field trip experience into students' learning by:

   a. Conducting a discussion and a critical evaluation of the experience;

   b. Encouraging creative projects on themes experienced on the field trip;

   c. Testing students on information gained and attitudes formed; and/or

   d. Assigning students written reports or presentations on the experience.

3. The teacher will assist the Principal in a critical evaluation of the trip by filing a written report of the trip that includes its benefits and drawbacks. The report should address these questions, as appropriate to the trip:

   a. Was the destination the best choice for the teaching purpose served?

   b. Were there sufficient materials available to students as background for the trip?

   c. Did the trip experiences encourage new understandings, impart new knowledge, or stimulate students to new activity?

   d. Did the trip experience relate to other school learning experiences?

   e. Did the trip impart accurate information and a truthful picture?

   f. Were the students exposed to any hazard to their physical or emotional well-being?

   g. Was the trip worth the time and expense?

   h. Were there any serious problems with student conduct and management?

   i. To what extent, if any, did the trip generate cooperation and a positive relationship between the school and the community?

R 2361 ACCEPTABLE USE OF COMPUTER NETWORKS/ COMPUTERS AND RESOURCES

The school provides computer equipment, computer services, and Internet access to its students and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources.

For the purpose of this Policy and Regulation, "computer networks/computers" includes, but is not limited to, the school's computer networks, computer servers, computers, other computer hardware and software, Internet equipment and access, and any other computer related equipment.

For the purpose of this Policy and Regulation, "school personnel" shall be the person(s) designated by the Executive Director to oversee and coordinate the school's computer networks/computer systems. School personnel will monitor networks and online activity, in any form necessary, to maintain the integrity of the networks, ensure proper use, and to be in compliance with Federal and State laws that regulate Internet safety.

Due to the complex association between government agencies and computer networks/computers and the requirements of Federal and State laws, the end user of the school's computer networks/computers must adhere to strict regulations. Regulations are provided to assure staff, community, students, and parents of students are aware of their responsibilities. The school may modify these regulations at any time. The signatures of the student and his/her parents on a school-approved Consent and Waiver Agreement are legally binding and indicate the parties have read the terms and conditions carefully, understand their significance, and agree to abide by the rules and regulations established under Policy and Regulation 2361.

Students are responsible for acceptable and appropriate behavior and conduct on school computer networks/computers. Communications on the computer networks/computers are often public in nature and policies and regulations governing appropriate behavior and communications apply. The school's networks, Internet access, and computers are provided for students to conduct research, complete school assignments, and communicate with others. Access to computer networks/computers is given to students who agree to act in a considerate, appropriate, and responsible manner. Parent permission is required for a student to access the school's computer networks/computers. Access entails responsibility and individual users of the school computer networks/computers are responsible for their behavior and communications over the computer networks/computers. It is presumed users will comply with school standards and will honor the agreements they have signed and the permission they have been granted. Beyond the clarification of such standards, the school is not responsible for the actions of individuals utilizing the computer networks/computers who violate the policies and regulations of the Board.



Computer networks/computer storage areas shall be treated in the same manner as other school storage facilities. School personnel may review files and communications to maintain system integrity, confirm users are using the system responsibly, and ensure compliance with Federal and State laws that regulate Internet safety. Therefore, no person should expect files stored on school servers will be private or confidential.

The following prohibited behavior and/or conduct using the school's networks/computers, includes but is not limited to, the following:

1. Sending or displaying offensive messages or pictures;

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

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

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

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

6. Cyberbullying;

7. Inappropriate online behavior, including inappropriate interaction with other individuals on social networking sites and in chat rooms;

8. Harassing, insulting, or attacking others;

9. Damaging computers, computer systems, or computer networks/computers;

10. Violating copyright laws;

11. Using another's password;

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

13. Intentionally wasting limited resources;

14. Employing the computer networks/computers for commercial purposes; and/or

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

INTERNET SAFETY

Compliance with Children's Internet Protection Act

As a condition for receipt of certain Federal funding, the school has technology protection measures for all computers in the school, including computers in media centers/libraries, that block and/or filter material or visual depictions that are obscene, child pornography and harmful to minors as defined in 2, 3, 4, 5, 6, and 7 above and in the Children's Internet Protection Act. The school will certify the school, including media centers/libraries are in compliance with the Children's Internet Protection Act and the school complies with and enforces Policy and Regulation 2361.

Compliance with Neighborhood Children's Internet Protection Act

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

1. Access by minors to inappropriate matter on the Internet and World Wide Web;

2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

3. Unauthorized access, including "hacking" and other unlawful activities by minors online;

4. Cyberbullying;

5. Inappropriate online behavior, including inappropriate interaction with other individuals on social networking sites and in chat rooms;

6. Unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and

7. Measures designed to restrict minors' access to materials harmful to minors.

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

The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly Board meeting or during a designated special Board meeting to address and receive public community input on the Internet safety protection 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.

Information Content and Uses of the System

Students may not publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane, or sexually offensive to a reasonable person, or which, without the approval of the Executive Director or designated school personnel, contains any advertising or any solicitation to use goods or services. A student cannot use the facilities and capabilities of the system to conduct any business or solicit the performance of any activity which is prohibited by law.

Because the school provides, through connection to the Internet, access to other computer systems around the world, students and their parents should be advised the Board and school personnel have no control over content. While most of the content available on the Internet is not offensive and much of it is a valuable educational resource, some objectionable material exists. Even though the Board provides students access to Internet resources through the school's computer networks/computers with installed appropriate technology protection measures, parents and students must be advised potential dangers remain and offensive material may be accessed notwithstanding the technology protection measures taken by the school.

Students and their parents are advised some systems and Internet sites may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal or offensive material. The Board and school personnel do not condone the use of such materials and do not permit usage of such materials in the school environment. Parents having Internet access available to their children at home should be aware of the existence of such materials and monitor their child's access to the school system at home. Students knowingly bringing materials prohibited by Policy and Regulation 2361 into the school environment will be disciplined in accordance with Board policies and regulations and such activities may result in termination of such students' accounts or access on the school's computer networks and their independent use of computers.

On-line Conduct

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

Students and their parents specifically agree to indemnify the school and school personnel for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the student.

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

Software Libraries on the Network

Software libraries on or through the school's networks are provided to students as an educational resource. No student may install, upload, or download software without the expressed consent of appropriate school personnel. Any software having the purpose of damaging another person's accounts or information on the school computer networks/computers (e.g., computer viruses) is specifically prohibited. School personnel reserve the right to refuse posting of files and to remove files. School personnel further reserve the right to immediately limit usage or terminate the student's access or take other action consistent with the Board's policies and regulations of a student who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the computer networks/computers without authorization. Students may download copyrighted material for their own use in accordance with Policy and Regulation 2531 - Use of Copyrighted Materials. A student may only redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author or authorized source.

Public Posting Areas (Message Boards, Blogs, Etc.)

Messages are posted from systems connected to the Internet around the world and school personnel have no control of the content of messages posted from these other systems. To best utilize system resources, school personnel will determine message boards, blogs, etc. that are most applicable to the educational needs of the school and will permit access to these sites through the school computer networks. School personnel may remove messages that are deemed to be unacceptable or in violation of Board policies and regulations. School personnel further reserve the right to immediately terminate the access of a student who misuses these public posting areas.

Real-time, Interactive, Communication Areas

School personnel reserve the right to monitor and immediately limit the use of the computer networks/computers or terminate the access of a student who misuses real-time conference features (talk/chat/Internet relay chat).

Electronic Mail

Electronic mail ("email") is an electronic message sent by or to a person in correspondence with another person having Internet mail access. The school may or may not establish student email accounts. In the event the school provides email accounts, all messages sent and received on the school computer networks/computers must have an educational purpose and are subject to review. Messages received by a school-provided email account are retained on the system until deleted by the student or for a period of time determined by the school. A canceled account will not retain its emails. Students are expected to remove old messages within fifteen days or school personnel may remove such messages. School personnel may inspect the contents of emails sent by a student to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the policy, regulation, or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, State, or Federal officials in any investigation concerning or relating to any email transmitted or any other information on the school computer networks/computers.

Disk Usage

The school reserves the right to establish maximum storage space a student receives on the school's system. A student who exceeds his/her quota of storage space will be advised to delete files to return to compliance with the predetermined amount of storage space. A student who remains in noncompliance of the storage space allotment after seven school days of notification may have their files removed from the school's system.



Security

Security on any computer system is a high priority, especially when the system involves many users. If a student identifies a security problem on the computer networks/computers, the student must notify the appropriate school staff member. The student should not inform other individuals of a security problem. Passwords provided to students by the school for access to the school's computer networks/computers or developed by the student for access to an Internet site should not be easily guessable by others or shared with other students. Attempts to log in to the system using either another student's or person's account may result in termination of the account or access. A student should immediately notify the Principal or designee if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any student identified as a security risk will have limitations placed on usage of the computer networks/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

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

Printing

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

Internet Sites and the World Wide Web

Designated school personnel may establish an Internet site(s) on the World Wide Web or other Internet locations. Such sites shall be administered and supervised by designated school personnel who shall ensure the content of the site complies with Federal, State, and local laws and regulations as well as Board policies and regulations.

Violations

Violations of the Acceptable Use of Computer Networks/Computers and Resources Policy and Regulation may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and/or Regulation, 2361 - Acceptable Use of Computer Networks/Computers and Resources, 5600 - Student Discipline/Code of Conduct, 5610 - Suspension and 5620 - Expulsion as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this Policy shall be determined by the Principal or designee. The Executive Director or designee and the Board shall determine when school expulsion and/or legal action or actions by the authorities is the appropriate course of action.

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

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

Issued: 24 October 2019



R 2411 GUIDANCE COUNSELING

A. Counseling Services

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

2. Counseling services will include:

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

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

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

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

B. Career Awareness and Exploration

In fulfillment of the New Jersey Student Learning Standards, the school shall provide a comprehensive program of guidance and counseling to facilitate career awareness and exploration for all students which shall be designed to:

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

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

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

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

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

C. Consulting Services

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

2. Consulting services will include:

   a. Identification of the needs of students,

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

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

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

   e. Encouragement of cooperation among teaching staff members and parents in resolving individual student problems and addressing student needs,

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

   g. Cooperation with business and industry to facilitate student job placement and vocational training, and

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



D. Evaluation

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

1. Annual record of graduate placements in post-secondary situations;

2. Assessments of past graduates as to the effectiveness of guidance services received in the high school;

3. Results of surveys of parents and staff evaluations of guidance services;

4. Analysis of the efficacy of outside referrals;

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

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

Issued: 24 October 2019

R 2418 SECTION 504 OF THE REHABILITATION ACT OF 1973 - STUDENTS

It is the policy of the Board of Trustees that no qualified student with a disability will, solely on the basis of 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. The Board will also comply with the Individuals with Disabilities Education Act through the implementation of Board.

A. School 504 Coordinator - 34 C.F.R. §104.7(a)

1. The School 504 Coordinator will be responsible for the initial evaluation of all allegations, reasonable accommodations (if required), and re-evaluations.

2. The School 504 Coordinator will comply with the mediation and due process requirements pursuant to N.J.A.C. 6A:14-2.6 and 6A:14-2.7 where applicable in cases arising from Section 504.

B. Educational Program

1. General:

a. The Board will not, on the basis of a disability, exclude a student with a disability from a program or activity and will take into account the needs of such student in determining the aid, benefits, or services to be provided under a program or activity.

b. The Board will provide reasonable accommodation(s) to students with disabilities notwithstanding any program and/or related services required pursuant to N.J.A.C. 6A:14-1 et seq.

C. Grievance Procedure - 34 CFR §104.7(b)

1. This grievance procedure shall apply to a student with a disability alleging discrimination under the provisions of Section 504 of the Rehabilitation Act of 1973.

2. The parent who believes his or her child has a valid basis for a grievance under Section 504 shall file an informal complaint in writing with the School 504 Coordinator stating the specific facts of the grievance and the alleged discriminatory act.



3. The School 504 Coordinator will make reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff including, but not limited to: the Principal, Child Study Team staff, and/or classroom teacher(s).

4. The School 504 Coordinator will investigate and document the complaint including dates of meetings, dispositions, and date(s) of dispositions. The School 504 Coordinator will provide a written decision to the complainant within seven working days of the written complaint.

5. If the complainant is not satisfied with the School 504 Coordinator's written decision, the complainant may appeal the decision in writing, setting out the circumstances that give rise to the alleged grievance. This written appeal must be filed with the School 504 Coordinator within three working days of the complainant's receipt of the written decision. The written appeal must state the basis for the appeal and the remedy sought by the complainant.

6. The School 504 Coordinator will appoint a qualified hearing officer within seven working days of the receipt of the written appeal. The hearing officer will conduct a hearing within seven working days of receipt of the written appeal. The hearing officer will give the parent a full and fair opportunity to present evidence relevant to the issues raised under the initial grievance. The parent may, at his or her own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the School 504 Coordinator and aggrieved individual within seven working days of the hearing.

7. The complainant may file a written appeal to the Board if not satisfied with the hearing officer's decision provided the written appeal is submitted to the Executive Director within three working days of the complainant's receipt of the hearing officer's written decision. The Board may, but is not required to, conduct a Board hearing on the appeal.

8. The complainant may request mediation and due process in accordance with N.J.A.C. 6A:14-2.6 and 2.7 if unsatisfied with the written decision of the Board. If specifically requested by the parent, the aforementioned N.J.A.C. 6A:14-2.6 and 2.7 grievance procedures must be followed.

Adopted: 24 October 2019

R 2431.2P MEDICAL EXAMINATION PRIOR TO PARTICIPATION ON A SCHOOL-SPONSORED INTERSCHOLASTIC OR INTRAMURAL TEAM OR SQUAD – APSSD

Students are required to receive medical examinations in accordance with the provisions of N.J.S.A. 18A:40-41.7 and N.J.A.C. 6A:16-2.2(f) and (h). 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.

The school shall ensure students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(h) and prior to participation on a school-sponsored interscholastic or intramural team or squad for students in grade five through age twenty-one.

A. Required Medical Examination

1. The examination shall be conducted within 365 days prior to the first day of official practice in an athletic season and shall be conducted by a licensed physician, advanced practice nurse (APN), or physician assistant (PA).

2. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at, http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf, in accordance with N.J.S.A. 18A:40-41.7.

   a. Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41.d.

(1) If the PPE form is submitted without the signed certification statement and the school has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.

b. The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.

c. An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.

3. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire shall include information listed below as required by N.J.S.A. 18A:40-41.7.b. The completed health history update questionnaire shall be reviewed by the school nurse and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:

a. Been advised by a licensed physician, APN, or PA not to participate in a sport;

b. Sustained a concussion, been unconscious, or lost memory from a blow to the head;

c. Broken a bone or sprained, strained, or dislocated any muscles or joints;

d. Fainted or blacked out;

e. Experienced chest pains, shortness of breath, or heart racing;

f. Had a recent history of fatigue and unusual tiredness;

g. Been hospitalized, visited an emergency room, or had a significant medical illness;

h. Started or stopped taking any over the counter or prescribed medications; or

i. Had a sudden death in the family, or whether any member of the student's family under the age of fifty has had a heart attack or heart trouble.

4. The school shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.

5. The Board of Trustees will not permit a student enrolled in grades six to twelve to participate on a school-sponsored interscholastic or intramural team or squad unless the student submits a PPE form signed by the licensed physician, APN, or PA who performed the physical examination and, if applicable, a completed health history update questionnaire, pursuant to N.J.S.A. 18A:40-41.7.c.

B. Sudden Cardiac Arrest Pamphlet

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

1. A student and his or her parent shall, each year and prior to the participation of the student in an athletic activity, sign and return to the student's school the form developed by the Commissioner acknowledging the receipt and review of the information pamphlet, pursuant to N.J.S.A. 18A:40-41.d.

2. The Commissioner shall distribute the pamphlet, at no charge, to all school districts and nonpublic schools, pursuant to N.J.S.A. 18A:40-41.b.

3. "Athletic activity" for the purposes of N.J.S.A. 18A:40-41 means: interscholastic athletics; an athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school district or nonpublic school, including cheerleading and club-sponsored sports activities; and any practice or interschool practice or scrimmage for those activities.

C. Use and Misuse of Opioid Fact Sheet

The school shall annually distribute to the parents of student-athletes participating in an interscholastic sports program or cheerleading program the educational fact sheet developed by the Commissioner of Education concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury in accordance with the provisions of N.J.S.A. 18A:40-41.10.

1. The school shall distribute the educational fact sheet annually to the parents of student-athletes and cheerleaders and shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his or her parent pursuant to N.J.S.A. 18A:40-41.10(b).

2. The fact sheet and sign-off sheet shall be distributed and the sign-off sheet shall be completed and returned to the school annually prior to the student-athlete's or cheerleader's first official practice of the school year.

Adopted: 24 October 2019



R 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. Allowing a student-athlete or cheerleader to return to play before recovering from a concussion increases the chance of a more serious brain injury that can result in severe disability and/or death. The following procedures shall be followed to implement N.J.S.A. 18A:40-41.1 et seq. and Policy 2431.4.

A. Interscholastic Athletic/Cheerleading Program Head Injury Training Program

1. The school will adopt an Interscholastic Athletic/Cheerleading Program Head Injury Training Program to be completed by the school or team 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.

2. This Training Program shall be in accordance with the guidance provided by the New Jersey Department of Education and the requirements of N.J.S.A. 18A:40-41.1 et seq.

B. Prevention

1. The school may require pre-season baseline testing of all student-athletes and cheerleaders before the student begins participation in an interscholastic athletic program or activity or cheerleading program. The baseline testing program shall be reviewed and approved by the school or team physician trained in the evaluation and management of sports-related concussions and other head injuries.

2. The Principal or designee will review educational information for student-athletes and cheerleaders on prevention of concussions.

3. All school staff members, student-athletes, cheerleaders, and parents of student-athletes and cheerleaders shall be informed through the distribution of the New Jersey Department of Education Concussion and Head Injury Fact Sheet and Parent/Guardian Acknowledgement Form and other communications from the Principal and coaches on the importance of early identification and treatment of concussions to improve recovery.



C. Signs or Symptoms of Concussion or Other Head Injury

1. Possible signs of concussions can be observed by coaches, licensed athletic trainer, school or team physician, school nurse, or other school staff members. Possible signs of a concussion may be, but are not limited to, the student-athlete or cheerleader:

   a. Appears dazed, stunned, or disoriented;

   b. Forgets plays, or demonstrates short-term memory difficulty;

   c. Exhibits difficulties with balance or coordination;

   d. Answers questions slowly or inaccurately; and/or

   e. Loses consciousness.

2. Possible symptoms of concussion shall be reported by the student-athlete or cheerleader to coaches, licensed athletic trainer, school or team physician, school nurse, and/or parent. Possible symptoms of a concussion are, but not limited to:

   a. Headache;

   b. Nausea/vomiting;

   c. Balance problems or dizziness;

   d. Double vision or changes in vision;

   e. Sensitivity to light or sound/noise;

   f. Feeling sluggish or foggy;

   g. Difficulty with concentration and short-term memory;

   h. Sleep disturbance; or

   i. Irritability.



D. Emergency Medical Attention for Concussion or Other Head Injury

1. Any student-athlete or cheerleader who is exhibiting the signs or symptoms of a sports-related concussion or other head injury during practice or competition shall immediately be removed from play and activities and may not return to the practice or competition that day.

2. The school staff member supervising the student-athlete or cheerleader when the student is exhibiting signs or symptoms of a sports-related concussion or other head injury shall immediately contact emergency medical assistance 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.

   a. In the event the school or team physician is available when the student-athlete or cheerleader is exhibiting signs or symptoms of a sports-related concussion or other head injury, the physician may make the determination to call emergency medical assistance.

3. The school staff member supervising the student-athlete or cheerleader when the student is exhibiting signs or symptoms of a sports-related concussion or other head injury during practice or competition shall report the occurrence to the Principal or designee. The Principal or designee shall contact the student's parent and inform the parent of the suspected sports-related concussion or other head injury.

E. Sustained Concussion or Other Head Injury

1. A student-athlete or cheerleader who participates in interscholastic athletics or cheerleading program and who sustains or is suspected of sustaining a concussion or other head injury shall immediately be removed from practice or competition and 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.

2. The student-athlete or cheerleader suspected of sustaining a concussion or other head injury shall be provided a copy of Board of Trustees Policy and Regulation 2431.4 and a copy of Board of Trustees approved suggestions for management/medical checklist to provide to their parent and their physician or licensed health care professional.



3. The student-athlete or cheerleader's physician must provide to the school, upon the completion of a medical examination, a written medical release/clearance when the student is able to return to the activity. The release/clearance must indicate:

   a. The medical examination determined the injury was not a concussion or other head injury, the student is asymptomatic at rest, and the student may return to the interscholastic athletic or cheerleading activity; or

   b. The medical examination determined the injury was a concussion or other head injury, the student is asymptomatic at rest, and can begin the graduated return to competition and practice protocol outlined in F. below.

   A medical release/clearance not in compliance with this requirement will not be accepted. The student-athlete or cheerleader may not return to the activity or begin the graduated return to competition and practice protocol until he/she receives a medical evaluation and provides a medical clearance/release that has been reviewed and approved by the school or team physician.

4. Complete physical, cognitive, emotional, and social rest is advised while the student is experiencing symptoms and signs of a sports-related concussion or other head injury. (Minimize mental exertion, limit over-stimulation and multi-tasking, etc.)

F. Graduated Return to Competition and Practice Protocol

1. Upon the school physician's acceptance of the written medical release/clearance, the student-athlete or cheerleader may begin a graduated return to competition and practice protocol supervised by a licensed athletic trainer, school or team physician, or designated school nurse trained in the evaluation and management of concussions and other head injuries. The following steps shall be followed:

   Step 1 - Completion of a full day of normal cognitive activities (attendance at school, studying for tests, watching practice, interacting with peers, etc.) without re-emergence of any signs or symptoms. If there is no return of signs or symptoms of a concussion, the student-athlete or cheerleader may advance to Step 2 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall be required to have a re-evaluation by their physician or licensed healthcare provider. The student shall not be permitted to begin the graduated return to competition and practice protocol until a medical clearance, as required in E.3. above, is provided and approved by the school or team physician.



Step 2 - Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity less than 70% maximum percentage heart rate. There shall be no resistance training. The objective of this Step is increased heart rate. If there is no return of any signs or symptoms of a concussion, the student-athlete or cheerleader may advance to Step 3 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall return to Step 1.

Step 3 - Sport-specific exercise including skating and/or running. There shall be no head impact activities. The objective of this Step is to add movement and continue to increase the student-athlete or cheerleader's heart rate. If there is no return of any signs or symptoms of a concussion, the student may advance to Step 4 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall return to Step 2.

Step 4 - Non-contact training drills such as passing drills, agility drills, throwing, catching, etc. The student-athlete or cheerleader may initiate progressive resistance training. If there is no return of any signs or symptoms of a concussion, the student may advance to Step 5 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall return to Step 3.

Step 5 - The student's medical condition, upon completing Step 4 with no return of any signs or symptoms of a concussion, shall be evaluated for medical clearance based upon consultation between the school's licensed athletic trainer, school or team physician, designated school nurse, and the student's physician. After this consultation and upon obtaining written medical release/clearance approved by the school or team physician, the student may participate in normal training activities. The objective of this Step is to restore the student's confidence and for the coaching staff to assess the student's functional skills. If there is no return of any signs or symptoms of a concussion, the student may advance to Step 6 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur or if the student does not obtain medical release/clearance to proceed to Step 6, the school or team physician, in consultation with the student's physician, shall determine the student's return to competition and practice protocol.



Step 6 - Return to play involving normal exertion or game activity. If the student exhibits a re-emergence of any concussion signs or symptoms once he/she returns to physical activity, he/she will be removed from further activities and returned to Step 5.

G. Temporary Accommodations for Student-Athletes and Cheerleaders with Sports-Related Head Injuries

1. Rest is the best "medicine" for healing concussions or other head injuries. The concussed brain is affected in many functional aspects as a result of the injury. Memory, attention span, concentration, and speed of processing significantly impact learning. Further, exposing the concussed student to the stimulating school environment may delay the resolution of symptoms needed for recovery. Accordingly, consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports-related concussions and head injuries.

2. Mental exertion increases the symptoms from concussions and affects recovery. To recover, cognitive rest is just as important as physical rest. Reading, studying, computer usage, testing, texting, and watching movies if a student is sensitive to light/sound, can slow a student's recovery. In accordance with the Centers for Disease Control's toolkit on managing concussions, the Board of Trustees may look to address the student's cognitive needs in the following ways. Students who return to school after a concussion may need to:

   a. Take rest breaks as needed;

   b. Spend fewer hours at school;

   c. Be given more time to take tests or complete assignments (all courses should be considered);

   d. Receive help with schoolwork;

   e. Reduce time spent on the computer, reading, and writing; and/or

   f. Be granted early dismissal from class to avoid crowded hallways.

Adopted: 24 October 2019

R 2461 SPECIAL EDUCATION/RECEIVING SCHOOLS

School district officials and staff shall adhere to all regulations included in N.J.A.C. 6A:14-1.1 et seq. and the following special education regulations:

R 2461.01	Special Education/Receiving Schools – IEP Implementation (M)
R 2461.02	Special Education/Receiving Schools – Suspension (M)
R 2461.03	Special Education/Receiving Schools – Student Records (M)
R 2461.04	Special Education/Receiving Schools – Special Education and Related Services (M)
R 2461.05	Special Education/Receiving Schools – IEP Compliance (M)
R 2461.06	Special Education/Receiving Schools – Appropriately Certified and Licensed Staff (M)
R 2461.07	Special Education/Receiving Schools – Termination of Placement (M)
R 2461.08	Special Education/Receiving Schools – In-Service Training (M)
R 2461.09	Special Education/Receiving Schools – Statewide and District-Wide Assessment Programs (M)
R 2461.10	Special Education/Receiving Schools – Full Educational Opportunity (M)
R 2461.11	Special Education/Receiving Schools – Staff Consultation (M)
R 2461.12	Special Education/Receiving Schools – Length of School Day and Academic Year (M)
R 2461.13	Special Education/Receiving Schools – Observation of Educational Programs (M)
R 2461.14	Special Education/Receiving Schools – Amending Policies, Procedures, the Services Provided, or the Location of Facilities (M)
R 2461.15	Special Education/Receiving Schools – Operation of an Extended Academic Year Program (M)
R 2461.16	Special Education/Receiving Schools – Employment of a Full-Time Non-Teaching Principal (M)
R 2461.17	Special Education/Receiving Schools – Submission of Fiscal Information and Obtaining Certificates (M)
R 2461.18	Special Education/Receiving Schools – Notice to Department of Education Prior to Ceasing Operation or Change of Ownership (M)
R 2461.19	Special Education/Receiving Schools – Behavior Modification Program (M)

Definitions:

Refer to N.J.A.C. 6A:14 and the Individuals with Disabilities Education Act for definitions of terms used in Regulations 2461.01 through 2461.19.

Adopted: 24 October 2019

R 2461.01 SPECIAL EDUCATION/RECEIVING SCHOOLS – IEP IMPLEMENTATION

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.

A. Procedures For Ensuring The Student's Individualized Education Program (IEP) Can Be Implemented

1. The following procedures will be used to ensure the student's IEP can be implemented in the receiving school setting prior to accepting the student (N.J.A.C. 6A:14-7.5(b)1):

a. The Executive Director, Assistant Director, Supervisor of Instruction, school social worker, or psychiatrist in the receiving school will review the IEP.

b. The receiving school will only accept the student if the Executive Director, Assistant Director, Supervisor of Instruction, school social worker, or psychiatrist determines the student's IEP can be implemented. The receiving school will not accept the student if the Executive Director, Assistant Director, Supervisor of Instruction, school social worker, or psychiatrist determines the receiving school cannot implement the IEP.

B. IEP Meetings According to N.J.A.C. 6A:14-2.3(k)2

1. The student's teacher and, if appropriate, the student, and other representatives of the receiving school, will participate in IEP team meetings according to N.J.A.C. 6A:14-2.3(k)2.

Adopted: 24 October 2019

R 2461.02 SPECIAL EDUCATION/RECEIVING SCHOOLS – SUSPENSION

The receiving school will collaborate with the sending 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.

A. Procedures For Collaboration For Students With Disabilities Including Students With Disabilities Who Are Suspended From School

1. The Executive Director, Assistant Director, Supervisor of Instruction, school social worker, or psychiatrist is responsible for implementing suspensions in the receiving school.

2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, the Executive Director, Assistant Director, Supervisor of Instruction, school social worker, or psychiatrist will notify the case manager of the sending district.

3. The Principal or his/her designee will have a system in place to track the number of days a student with disabilities has been removed for disciplinary reasons.

4. Suspension of a student with a disability from transportation will be counted as a day of removal if the student does not attend school.

5. Removal of a student with a disability for a portion of the school day will be counted proportionately.

6. If the receiving school has an in-school suspension program, participation in the in-school suspension program will not be counted as a day of removal if the program provides the following:

a. An opportunity for the student to progress in the general curriculum;

b. Services and modifications specified in the student's Individualized Education Program (IEP);

c. Interaction with peers who are not disabled to the extent they would have in the current placement; and

d. The student is counted as present for the time spent in the in-school suspension program.

7. When a series of short-term removals will accumulate to more than ten school days in the year:

   a. Personnel from the receiving school, officials of the sending district, and the sending district case manager will consult to determine whether the removals constitute a change in placement. (N.J.A.C. 6A:14-2.8(c)2) The determination of whether a series of removals constitute a change in placement is made by the public sending school district officials;

   b. Written documentation of the consultation between officials of the sending district, personnel from the receiving school, and the case manager of the sending district will be maintained by the Executive Director, Assistant Director, Supervisor of Instruction, school social worker, or psychiatrist;

   c. If it is determined that there is no change in placement, school officials of the sending district, the case manager of the sending district, and special education teacher at the receiving school will consult to determine the extent to which services are necessary to:

      (1) Enable the student to participate and progress appropriately in the general education curriculum; and

      (2) Advance appropriately toward achieving the goals set out in the student's IEP.

   d. Written documentation of the consultation and services provided will be maintained by the Executive Director, Assistant Director, Supervisor of Instruction, school social worker, or psychiatrist.

Adopted: 24 October 2019

R 2461.03 SPECIAL EDUCATION/RECEIVING SCHOOLS – STUDENT RECORDS

The receiving school will comply with the requirements for student records in the compilation, maintenance, access to, and confidentiality of student records in accordance with the provisions as outlined in N.J.A.C. 6A:32-7 - Student Records.

Adopted: 24 October 2019

R 2461.04 SPECIAL EDUCATION/RECEIVING SCHOOLS – SPECIAL EDUCATION AND RELATED SERVICES

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 in accordance with the provisions as outlined in N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

Adopted: 24 October 2019

R 2461.05 SPECIAL EDUCATION/RECEIVING SCHOOLS – IEP COMPLIANCE

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.

A. Procedures To Ensure The Provision Of Services Required By The Individualized Education Program (IEP)

1. If a change in the delivery of special education or related services is necessary, due to a change in personnel or student need, the receiving school will contact the sending district to convene an IEP team meeting to review and, if appropriate, revise the IEP.

Adopted: 24 October 2019

R 2461.06 SPECIAL EDUCATION/RECEIVING SCHOOLS – APPROPRIATELY CERTIFIED AND LICENSED STAFF

The receiving school will comply with the requirements that all personnel serving students with disabilities are appropriately certified and licensed, where a license is required, in accordance with the State and Federal Law.

Adopted: 24 October 2019

R 2461.07 SPECIAL EDUCATION/RECEIVING SCHOOLS – TERMINATION OF PLACEMENT

The receiving school will comply with the requirements for termination of a student's placement in accordance with the provisions as outlined in N.J.A.C. 6A:14-7.7(a) and (b).

Adopted: 24 October 2019

R 2461.08 SPECIAL EDUCATION/RECEIVING SCHOOLS – IN-SERVICE TRAINING

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

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

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

3. Acquire and disseminate to teachers, administrators, 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;

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

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

Adopted: 24 October 2019

R 2461.09 SPECIAL EDUCATION/RECEIVING SCHOOLS – STATEWIDE AND DISTRICT-WIDE ASSESSMENT PROGRAMS

The receiving school will comply with the requirements for Statewide and district-wide assessments in accordance with the provisions as outlined in N.J.A.C. 6A:14-4.10.

Adopted: 24 October 2019

R 2461.10 SPECIAL EDUCATION/RECEIVING SCHOOLS – FULL EDUCATIONAL OPPORTUNITY

The receiving school will comply with the requirements for full educational opportunity to all students with disabilities in accordance with the provisions as outlined in N.J.A.C. 6A:14-1.1.

Adopted: 24 October 2019

R 2461.11 SPECIAL EDUCATION/RECEIVING SCHOOLS – STAFF CONSULTATION

The receiving school will comply with the requirements to 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 Individualized Education Program (IEP) in accordance with the provisions as outlined in N.J.A.C. 6A:14-4.5(d).

Adopted: 24 October 2019

R 2461.12 SPECIAL EDUCATION/RECEIVING SCHOOLS – LENGTH OF SCHOOL DAY AND ACADEMIC YEAR

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).

A. Procedures To Ensure The Length Of The School Day And Academic Year Are As Long As That Established For Nondisabled Students

1. The receiving school must have a school day that is at least as long as that of a selected sending school district.

2. The receiving school must have an academic year calendar that matches that of a selected sending school district.

3. Early dismissal days in the academic year calendar may not exceed the number of early dismissal days reflected in the selected sending district calendar.

4. The receiving school will maintain documentation of the school calendar of the sending school district, along with the receiving school's calendar, to ensure compliance.

5. The receiving school will maintain documentation of a sample student daily schedule from a sending school district, along with a sample of the receiving school's daily schedule, to ensure compliance.

6. The receiving school will not include shortened school days in its daily schedule or calendar unless such days are reflected in the sending school sample daily schedule and/or school calendar.

7. Any shortened school days for an individual student will be implemented, as needed on an individual basis, and must be reflected in each student's Individualized Education Program (IEP).

Adopted: 24 October 2019

R 2461.13 SPECIAL EDUCATION/RECEIVING SCHOOLS – OBSERVATION OF EDUCATIONAL PROGRAMS

The receiving school will ensure the 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).

Adopted: 24 October 2019

R 2461.14 SPECIAL EDUCATION/RECEIVING SCHOOLS – AMENDING POLICIES, PROCEDURES, THE SERVICES PROVIDED, OR THE LOCATION OF FACILITIES

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

A. Procedures To Amend Policies, Procedures/Regulations, The Services Provided, Or The Location Of Facilities

1. To amend the policies, procedures/regulations, nature and scope of the services provided, or increase or decrease the services provided, the receiving school must send to the County Office of Education:

   a. A copy of the revised policy and/or procedure/regulation;

   b. A revised description of the scope and nature of the services to be offered according to N.J.A.C. 6A:14-7.2(a)3iii(4); and

   c. A list of professional staff who will provide these services. The list shall verify each individual's certification and license, if one is required, that a criminal history review pursuant to N.J.S.A. 18A:6-7.1 has been completed for the individual and the function he or she shall perform.

2. To amend the location of facilities, an approved private school for students with disabilities shall submit a copy of the valid health, fire, HVAC inspections, occupancy and, if applicable sewerage plant to the Department of Education through the County Office of Education

3. When a professional staff member leaves or a new professional staff member is hired by an approved private school for students with disabilities, the approved private school shall provide written notification to the Department of Education through the County Office of Education within seven calendar days of the changes.

Adopted: 24 October 2019

R 2461.15 SPECIAL EDUCATION/RECEIVING SCHOOLS – OPERATION OF AN EXTENDED ACADEMIC YEAR PROGRAM

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.

Adopted: 24 October 2019

R 2461.16 SPECIAL EDUCATION/RECEIVING SCHOOLS – EMPLOYMENT OF A FULL-TIME NON-TEACHING PRINCIPAL

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).

Adopted: 24 October 2019

R 2461.17 SPECIAL EDUCATION/RECEIVING SCHOOLS – SUBMISSION OF FISCAL INFORMATION AND OBTAINING CERTIFICATES

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.

Adopted: 24 October 2019

R 2461.18 SPECIAL EDUCATION/RECEIVING SCHOOLS – NOTICE TO DEPARTMENT OF EDUCATION PRIOR TO CEASING OPERATION OR CHANGE OF OWNERSHIP

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.

Adopted: 24 October 2019

R 2461.19 SPECIAL EDUCATION/RECEIVING SCHOOLS – BEHAVIOR MODIFICATION PROGRAM

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.

A. To ensure compliance the receiving school shall:

1. Maintain documentation of the procedures, evidence-based strategies, techniques, and approaches utilized in the behavior modification program.

2. Maintain documentation which describes, in detail, any type of incentive system utilized as part of a behavior modification program.

3. Ensure that the documentation is readily available for review upon request by the Department of Education either through an onsite monitoring visit or the County Office of Education.

Adopted: 24 October 2019

R 2531 USE OF COPYRIGHTED MATERIALS

A. Literary Material

1. A single copy may be made of any of the following by or for a teacher at his/her individual request for scholarly research or for use in teaching or in preparation for teaching a class:

   a. A chapter from a book;

   b. An article from a periodical or newspaper;

   c. A short story, short essay or short poem; whether or not from a collective work; or

   d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

2. Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that:

   a. Each copy includes a notice of copyright; and

   b. The material copied is brief and the copying is spontaneous and noncumulative as measured by the following definitions of brevity, spontaneity, and noncumulative effect.

      (1) Brevity: A reproduced work is brief if it consists of the following:

         (a) Poetry: Not more than a complete poem if fewer than 250 words and if printed on not more than two pages or an excerpt from a longer poem if the excerpt is not more than 250 words. These numerical limits may be expanded to permit completion of an unfinished line of poetry.

         (b) Prose: Not more than a complete article, story, or essay of fewer than 2,500 words; or an excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less, but in any event a minimum of 500 words. These numerical limits may be expanded to permit completion of an unfinished prose paragraph.

(c) Illustration: Not more than one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

(d) Special Works: Certain works in poetry, prose or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience often fall short of 2,500 words in their entirety. Paragraph 2b(1)(b) above notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof may be reproduced.

(2) Spontaneity: Reproduction of a copyrighted work is spontaneous if:

(a) The copying is at the instance and inspiration of the individual teacher; and

(b) The inspiration and decision to use the work and the moment of its use of maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission to use the work.

(3) Noncumulative Effect: Reproduction of a copyrighted work is noncumulative if:

(a) The copying of the material is for only one course in the school in which the copies are made;

(b) Not more than one short poem, article, story, essay or two excerpts has been copied from the same author or more than three from the same collective work or periodical volume during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals;

(c) There have been no more than nine instances of such multiple copying for one course during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals.

3. Notwithstanding any of the above, the following prohibitions shall be in effect:

a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately;

b. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. Consumable works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like material;

c. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; or be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term;

d. No charge shall be made to the student for the copied material.

B. Televised Material

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a retention period of forty-five calendar days after the date of the recording; at the expiration of the retention period the recording must be erased or destroyed.

2. An off-air recording may be used once by individual teachers in the course of relevant teaching activities and may be repeated once only when instructional reinforcement is necessary, in the classroom or similar place of instruction or the home of a student receiving home instruction, during the first ten school days in the retention period. After the first ten school days, an off-air recording may be used during the remainder of the retention period only to permit teachers to evaluate its effectiveness in the instructional period.

3. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.



4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

5. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

C. Pre-recorded Video

The use of commercially pre-recorded video (such as video cassettes and DVD disks rented by commercial enterprises) may be used for instructional purposes without the purchase of a public performance license. Such tapes shall not be used in school situations in violation of the copyright laws which prohibit use for reward or entertainment or in other school activities. The use of such materials for these purposes in the school shall be considered a public performance and require:

1. A blanket license for showing the pre-recorded video obtained from the Motion Picture Licensing Corporation (MPLC) or other group authorized to license the pre-recorded material.

2. A specific license for the showing of a pre-recorded video not covered by a blanket license.

The use of non-commercially pre-recorded video shall require the written permission of the producer of the video prior to its use for other than instructional purposes.

If the requested license or permission has not been obtained, the material shall not be shown in the school.

D. Music

1. The following uses of copies of copyrighted music are permissible.

   a. Emergency copies of printed music may be made to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies are substituted in due course.



b. For academic purposes other than performance:

(1) Multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than ten percent of the work. The number of copies shall not exceed one copy per student.

(2) A single copy of an entire performable unit (section, movement, aria, etc.) that is

(a) Confirmed by the copyright proprietor to be out of print, or

(b) Unavailable except in a larger work, may be made by or for a teacher solely for the purpose of scholarly research or in preparation to teach a class.

c. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

d. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

e. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by the school or by an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the school or the teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

2. The following uses of copies of copyrighted music are prohibited.

a. Copying to create or replace or substitute for anthologies, compilations, or collective works;

b. Copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets, and like material;



c. Copying for the purpose of performance, except as permitted in paragraph C1a;

d. Copying for the purpose of substituting for the purchase of music, except as permitted in paragraph C1a and paragraph C1b; and

e. Copying without inclusion of the copyright notice that appears on the printed copy.

E. Computer Software and the Internet

1. A software program shall not be copied onto a blank disk except as expressly permitted by the program itself.

2. An archival disk may be made as a back-up program disk. The archival disk shall be used only when the original software disk has been mistakenly damaged or destroyed and may not be used for any other purpose.

3. Software shall not be loaded into more than one computer at any one time, unless a site license has been purchased to permit loading multiple computers.

4. Copyrighted materials shall not be downloaded from the Internet without the express permission of the author and the payment of any required fees.

F. Obtaining Permission for Copying

1. A teacher may request and obtain permission to copy material from a copyrighted work; the teacher may then use the work as expressly permitted and will not be bound by the limitations and prohibitions set forth above.

2. Request for permission must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include:

a. The title, author or editor, and edition of materials for which permission is sought;

b. The exact material to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material;



c. The number of copies the requestor proposes to make;

d. The use to be made of the duplicated materials;

e. The form of distribution;

f. Whether or not the copies will be sold; and

g. The process by which the material will be reproduced.

3. A copy of the written permission granted by the publisher or copyright owner shall be preserved by the teacher who may be required to present the written permission to the Principal or designee.

4. Teachers shall inform students on the limitations of the use of copyrighted material.

R 3000 TEACHING STAFF MEMBERS

Number	Title
R 3126	School Mentoring Program
R 3160	Physical Examination (M)
R 3211.3	Consulting Outside the School
R 3212	Professional Staff Attendance Review and Improvement Plan
R 3218	Substance Abuse (M)
R 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
R 3223	Evaluation of Administrators (M)
R 3230	Outside Activities
R 3232	Tutoring Services
R 3233	Political Activities
R 3240	Professional Development for Teachers and School Leaders (M)
R 3270	Lesson Plans and Plan Books
R 3280	Liability for Student Welfare
R 3281	Inappropriate Staff Conduct
R 3321	Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members
R 3362	Sexual Harassment of Teaching Staff Members Complaint Procedure
R 3425.1	Modified Duty Early Return To Work Program - Teaching Staff Members
R 3432	Sick Leave

R 3126 SCHOOL MENTORING PROGRAM

The Board of Trustees is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9C-5.1.

A. Definitions (N.J.A.C. 6A:9-2.1)

1. "Certificate of Eligibility or CE" means a certificate with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in corresponding positions requiring certification.

2. "Certificate of Eligibility with Advanced Standing or CEAS" means a certificate with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and CEAS educator preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.

3. "School mentoring program" means a program of induction and support for non-tenured teachers, including novice provisional teachers and experienced teachers new to a school, designed to develop them into effective professionals within the school.

4. "Endorsement" means an authorization allowing a certificate holder to teach one or more specific subject area(s) or to serve in one or more specific teaching staff role(s).

5. "Mentor teacher" means an experienced, certified New Jersey teacher who is assigned to provide support and guidance to a novice teacher.

6. "Novice teacher" means any teacher serving full- or part-time under a provisional certificate who has not yet been issued a standard instructional certificate in any endorsement area.

7. "Professional Standards for Teachers" means the knowledge, skills, and dispositions that all teachers must acquire to practice as teachers in accordance with N.J.A.C. 6A:9-3.3.

8. "Provisional teaching period" means a minimum of two years of full-time teaching under a provisional certificate required of all novice teachers before they are eligible to be recommended for a standard certificate.

B. Requirements for School Mentoring Program

1. The school shall develop a mentoring program to provide non-tenured teachers, including novice provisional teachers who hold a CE or 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.

2. The goals of the school mentoring program shall be to enhance teacher knowledge of, and strategies related to, the New Jersey Student Learning Standards (NJSLS) 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.

3. The Board of Trustees shall determine how each non-tenured teacher in his or her first year of employment, which shall be equal to at least thirty weeks, shall be provided with the following supports:

   a. Comprehensive induction to school policies and procedures including, but not limited to, introduction to school curricula, student assessment policies, and training on the school's evaluation rubric, including setting and assessing student learning through student growth objectives;

   b. Individualized supports and activities, which shall be assigned at the school's discretion and shall be aligned with the Professional Standards for Teachers at N.J.A.C. 6A:9-3.3, the Standards for Professional Learning at N.J.A.C. 6A:9C-3.3, and the school's Commissioner-approved teaching practice instrument. The supports and activities shall be guided by:

      (1) The non-tenured teacher's degree of preparation and experience;

      (2) The non-tenured teacher's individual professional development plan (PDP) developed in accordance with N.J.A.C. 6A:9C-4.4;

      (3) Areas of focus within the school mentoring plan; and

      (4) Goals of the school and school plans for professional development as described in N.J.A.C. 6A:9C-4.2.

   c. One-to-one mentoring, which is required for each novice provisional teacher as set forth in 4. below.

4. The school shall provide an individual mentor to work one-to-one with a novice provisional teacher and ensure:

   a. Each novice provisional teacher is assigned an individual mentor at the beginning of the contracted teaching assignment;

   b. The mentor teacher provides observation and feedback, opportunities for the novice teacher to observe effective practice, and confidential guidance and support in accordance with the Professional Standards for Teachers, and guides the teacher in a self-assessment on the school's Commissioner-approved teaching practice instrument;

   c. The one-to-one mentoring includes planned, in-person contact time between the mentor teacher and the novice provisional teacher holding a CE or CEAS over the course of the academic year, or proportionally longer if the novice provisional teacher holds a part-time teaching assignment;

   d. The mentor teacher and the novice provisional teacher holding a CEAS meet at least once per week for the first four weeks of the teaching assignment;

   e. The mentor teacher and the novice provisional teacher holding a CE meet at least once per week for the first eight weeks of the teaching assignment:

      (1) The one-to-one mentoring shall support the novice provisional teacher in achieving the curricular objectives of the formal instructional program in which the novice provisional teacher holding a CE is enrolled.

   f. All contact time between the mentor teacher and the novice provisional teacher shall be recorded in a log, developed as part of the school mentoring plan, submitted to the Executive Director or designee, and maintained within the school.

5. All novice provisional teachers whose positions require possession of instructional certificates pursuant to N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9B-5.1 shall comply with the school mentoring program requirements.

6. The school shall budget State funds appropriated for the novice teacher mentoring program.

a. Subject to the availability of funds, the Department of Education shall appropriate State funds based on the number of novice teachers employed each year by the Board of Trustees.

b. The Board of Trustees shall ensure State funds appropriated for this program supplement, and not supplant, Federal, State, or local funds already devoted to planning and implementing a novice teacher mentor program.

c. The Board of Trustees shall ensure State funds are used for one or more of the following:

(1) Stipends for mentor teachers;

(2) The costs associated with release time;

(3) Substitutes for mentor and novice teachers; and

(4) Professional development and training activities related to the program.

d. If no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional period of teaching to obtain standard certification shall be responsible for payment of mentoring fees during the first provisional year. The Board may, at its discretion, pay all or part of the mentoring fees.

7. The school's administrative office shall oversee the payment of mentors. Payment shall not be conferred directly from provisional novice teacher to mentor.

C. Mentor requirements

1. The Executive Director shall oversee the mentor selection process and ensure the individual mentor of a novice provisional teacher meets the following minimum requirements:

a. Holds an instructional certificate and, when possible, is certified in the subject area in which the novice provisional teacher is working;

b. Has at least three years of experience and has taught full-time for at least two years within the last five years;

c. Does not serve as the mentee's direct supervisor nor conduct evaluations of teachers;

d. Demonstrates a record of success in the classroom:

(1) All mentor teacher applicants shall have received a summative rating of effective or highly effective on the most recent summative evaluation, pursuant to N.J.A.C. 6A:10.

(a) A mentor teacher applicant in a school not required pursuant to N.J.A.C. 6A:10-1 to issue summative evaluations shall demonstrate at least one year of effective teaching on his or her most recent evaluation as determined by his or her supervisor.

e. Understands the social and workplace norms of the school and the community it serves;

f. Understands the resources and opportunities available in the school and is able to act as a referral source to the novice provisional teacher; and

g. Completes a comprehensive mentor training program with a curriculum that includes, at a minimum, training on the school's teaching evaluation rubric and practice instrument, Professional Standards for Teachers, NJSLS, classroom observation skills, facilitating adult learning, and leading reflective conversations about teaching practice.

D. School Mentoring Plan

1. The Executive Director or designee shall develop a school mentoring plan as part of the school's 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.

a. The Executive Director shall submit the school mentoring plan to the Board of Trustees for review of its fiscal impact.

b. The Executive Director or designee shall share the school mentoring plan with each school improvement panel, which shall oversee the school-level implementation of the school mentoring plan and shall communicate the plan to all non-tenured teachers and their mentors.

c. The Executive Director or designee annually shall review the plan and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance.

R 3160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

   a. A health history shall include, but is not limited to, the candidate's:

      (1) Past serious illnesses and injuries;

      (2) Current health problems;

      (3) Allergies; and

      (4) A record of immunizations.

b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure; and

(6) Vision screening.

C. Medical Requirements Upon Employment

1. A Mantoux tuberculosis test shall be given upon employment of all newly hired staff members (full-time and part-time), and to all student teachers, school bus drivers on contract with the school, and to contractors or volunteers who have contact with students. Tuberculosis testing is not required for volunteers working with students less than twenty hours per month.

a. Tuberculosis testing is not required:

(1) For new staff members, student teachers, and contractors of the school with a documented negative tuberculosis test result in the last six months or a documented positive tuberculosis test, regardless of when this test was done; or

(2) For a school staff member transferring between school or from a non-public school within New Jersey with a documented tuberculosis test result upon his/her initial employment by a New Jersey school.

b. Staff members, student teachers, contractors or volunteers who have contact with students and claim a religious exemption cannot be compelled to submit to tuberculosis testing. In these instances, a symptom assessment must be done (TB-8 Form). If TB-like symptoms are reported, a physician must document that the staff member, student teacher, contractor, or volunteer does not have an active disease.



(1) The school shall determine the criteria essential to document a valid religious exemption.

c. Procedures for the administration of the Mantoux tuberculosis test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines and requirements of the New Jersey Department of Health.

2. An individual teaching staff member may provide health-status information, including medications, that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the teaching staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

D. Health Records

1. All health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files.

2. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.

E. Employees' Physical Examination and Medical Updates

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

F. Review of Examinations and Assessments

1. The results of the physical examination of a candidate for employment who has received a conditional offer of employment will be reviewed by the school physician, who, in consultation with the Executive Director, will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.

G. Rescinding a Conditional Offer of Employment – Notice to Candidates for Employment Who Receive a Conditional Offer of Employment

1. All candidates for employment who receive a conditional offer of employment shall be informed by the school that:

   a. An offer of employment by the Executive Director or designee is conditional upon completion of the Board's required physical examinations and assessments;

   b. The required examinations and assessments will be used to determine the candidate's ability to perform with reasonable accommodations job-related functions pursuant to ADA; and

   c. If it is determined upon completing the examination(s) or assessment(s) the candidate is unable to perform with reasonable accommodations 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.

Adopted: 24 October 2019

R 3211.3 CONSULTING OUTSIDE THE SCHOOL

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

A. Definitions

1. Agency - A public or private agency requesting the services of the school's teaching staff member.

2. Other schools - A school other than the school that employs the teaching staff member, including all supervisory and administrative personnel.

3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.

4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the teaching staff member, except out-of-pocket expenses.

5. Staff member - A contracted member of the school's teaching staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The teaching staff member or the agency requesting the expertise and knowledge of the teaching staff member must submit a written request to the Executive Director or designee. The written request must include the following:

   a. The date(s) the teaching staff member will be away from the school;

   b. The time of day the teaching staff member will be away from the school;

   c. Any out-of-pocket costs to the school;

d. Any reimbursements that the teaching staff member is entitled to from the other school or agency;

e. The specific services requested of the teaching staff member; and

f. The location where the services will be provided.

2. The Executive Director or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school for reciprocal services, a reduction in the future or existing cost of services to the school, the teaching staff member's attendance record and the impact of the teaching staff member being out of the school for the requested time.

3. The Executive Director or designee will determine and recommend each request on a case by case basis and the decision is final. The Executive Director may require the other school or agency to pay the cost of any substitute personnel related to the request.

4. If deemed to be in the best interest of the school, the Executive Director's recommendation will be submitted to the Board for approval.

5. The Board's approval of the Executive Director's recommendation will permit the teaching staff member's consulting activity attendance and the teaching staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the teaching staff member if the request is approved by the Board.

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R 3212 PROFESSIONAL STAFF ATTENDANCE REVIEW AND IMPROVEMENT PLAN

A. Review of Attendance Data

1. A record shall be kept of the attendance of each teaching staff member, including teachers, educational services personnel, and administrators. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, and other approved leaves. The employee's attendance record will include notation of verification of an absence where such verification is required by Policy 3432. The employee's rate of absence shall be calculated every pay period and entered on his/her attendance record. An employee's attendance record shall be part of the employee's personnel file.

2. At the end of each school year, a cumulative attendance record shall be assembled for the school.

3. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for the school.

4. A record shall be made of the appointment of substitutes for absent employees and the wages paid to substitutes.

B. Attendance Improvement Plan

1. Planning

The Executive Director will meet with the Principal and appropriate administrators to discuss the attendance summary. The attendance summary shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absence shall be developed.

2. Implementation

a. The Principal shall be responsible for implementing the school's plan for the improvement of professional staff member attendance in his/her school building.

b. The Principal shall encourage the regular attendance of the teaching staff members in his/her building. He/She shall maintain contact with absent employees and confer personally with each employee who returns from an absence of any duration, impressing upon employees the school's concern for their health and well-being. The Principal shall, by appropriate means, recognize teaching staff members whose attendance is exemplary.

c. The Principal shall incorporate, and shall direct other supervisors to incorporate, a teaching staff member's attendance record in his/her evaluation.

d. The Principal may require teachers to evaluate the work done by substitutes in their absence.

e. The Principal shall report to the Executive Director any teaching staff member whom he/she suspects of misusing sick leave or falsifying the reasons for absence.

3. In-service Training

The Principal shall meet with the teaching staff members assigned to his/her building at the beginning of each school year to inform employees of Board policy and school regulations on attendance, to familiarize employees with the forms to be used in reporting and verifying absences, to review with employees the cost of absenteeism to the school and the value of accumulated sick leave to the employee, and to acquaint employees with the degree to which attendance will affect evaluation reports.

4. Counseling

a. The Principal may, in his/her discretion, call a conference with a teaching staff member where the number and/or pattern of the members' absences or the reasons offered for the member's absences indicate a misunderstanding of the teaching staff member's responsibility to the school or the possible misuse of the privilege of paid leave.

b. Prior to the giving of any admonition or reprimand or imposition of discipline of any kind, the Principal shall determine the nature of the absences and consider any extenuating circumstances.

c. A written report of any attendance conference shall be prepared and retained with the teaching staff member's evaluations. The member shall, in accordance with Board policy on teaching staff member evaluation, be permitted to examine the report and affix his/her comments, if any, to the report.

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R 3218 SUBSTANCE ABUSE

A. Definition

1. "Principal or designee" means the teaching staff member's Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member's supervisor or a staff member designated by the teaching staff member's supervisor to be responsible at the time of the alleged violation.

2. "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.

3. "Substance test" means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.

4. "Under the influence" means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a Teaching Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a teaching staff member is suspected of being 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.

a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:

(1) Immediately notify the Executive Director;

(2) Immediately meet with the teaching staff member;

(a) The Principal or designee may include another staff member in this meeting; and

(b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.

b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.

c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.

d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination to include a substance test.

e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Executive Director or designee and shall be accompanied by the Principal or designee.

f. The teaching staff member, prior to the medical examination and substance test, will be informed by the physician or the physician's designee on the type of testing to be completed and the substances that will be tested.

g. The teaching staff member may, prior to being examined and tested, disclose to the physician any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.

h. A teaching staff member's refusal to be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be deemed as a positive test for substances.

2. The medical examination and substance test shall be used by the physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a confirming test using acceptable confirmation test procedures.

3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Executive Director and the teaching staff member as soon as the test results are available.

4. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will notify the Executive Director of such results and the teaching staff member shall return to their position in the school. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.

5. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will:

   a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the physician's determination.

   b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician.

      (1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.

      (2) The confirming substance test results must be provided to the physician within the time period required by the physician.

(3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the teaching staff member shall be determined to have waived their right to a have a confirming substance test considered by the physician.

c. After completing the requirements in a. and b. above the physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.

(1) If the physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Executive Director and the teaching staff member shall return to their position in the school and any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.

(2) If the physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Executive Director and the teaching staff member will be required to meet with the Executive Director.

C. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance

1. Any teaching staff member who has been determined by the physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Executive Director.

a. The teaching staff member may include a staff member or a representative of their choice in this meeting.

2. The Executive Director will provide the teaching staff member an opportunity to respond to the physician's determination.

3. A teaching staff member who has been determined to have been under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include termination of a teaching staff member or the filing of charges for a teaching staff member.

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R 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

A. Definitions

The following words and terms shall have the following meanings when used in Policy and Regulation 3221 unless the context clearly indicates otherwise:

"Announced observation" means the person conducting an evaluation for the purpose of evaluation will notify the certified staff member of the date and the class period the observation will be conducted.

"Annual performance report" means a written appraisal of the certified staff member's performance prepared by the Principal or designee based on the evaluation instrument for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of the certified staff member's performance. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

"Certified staff member" means a member of the professional staff holding office, position, or employment of such character that the qualifications for such office, position, or employment require him or her to hold a valid, effective, and appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners. For the purposes of Policy and Regulation 3221, "certified staff members" shall include teachers, therapists, child study team members, social workers, school nurses, physical therapist assistants and certified occupational therapist assistants.

"Corrective Action Plan" means a written plan developed by a certified staff member serving in a supervisory capacity in collaboration with the certified staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual certified staff member and the school for implementing the plan, and specific support that the school shall provide.

"Educator practice instrument" means the evaluation instrument to be used that captures competencies of professional performance.



"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description.

"Individual professional development plan" means a written statement of goals developed by a certified staff member serving in a supervisory capacity in collaboration with a certified staff member. The individual professional development plan shall include timelines for implementation, responsibilities of the employee and the school for implementing the plan, and specific support and periodic feedback that the school shall provide.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school.

"Long observation" means an observation for the purpose of evaluation that is conducted for a minimum duration of forty minutes or one class period, whichever is shorter.

"Observation" means a method of collecting data on the performance of a certified staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-1.1.

"Post-observation conference" means a meeting, either in-person or remotely, between a supervisor who conducted the observation and the certified staff member for the purpose of evaluation to discuss the data collected in the observation.

"Short observation" means an observation for the purpose of evaluation that is conducted for at least twenty minutes.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Supervisor" means an appropriately certified staff member employed in the school in a supervisory role and capacity.

"Unannounced observation" means the person conducting an observation for the purpose of evaluation will not notify the certified staff member of the date or time the observation will be conducted.

B. Educator Evaluation Data, Information, and Written Reports – N.J.A.C. 6A:10-1.4

All information contained in written performance reports and all information collected, compiled, and/or maintained by employees of the school for the purposes of conducting the evaluation process shall be confidential.

C. Evaluation of Certified Staff Members

1. The Executive Director shall approve an evaluation instrument for certified staff members. The evaluation instrument shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.

D. Duties of the Executive Director

1. The Executive Director shall meet the following requirements for the annual evaluation of certified staff members:

a. Provide training on and descriptions of each component of the evaluation instrument;

b. Provide training on the certified staff member practice instrument for any supervisor who will conduct observations for the purpose of evaluation of certified staff members;

c. Annually provide updates and refresher training on the evaluation instrument for any supervisor who will observe staff practice.

E. Evaluation Procedures for Certified Staff Members

1. The provisions outlined in Policy and Regulation 3221 shall be the minimum requirements for the evaluation procedures for certified staff members.

2. Evaluation policies and procedures requiring the annual evaluation of all certified staff members shall be developed under the direction of the Executive Director.

3. The annual summary conference between the supervisor and the certified staff member shall be held before the written performance report is filed. The conference shall include, but not be limited to, a review of the following:

   a. The performance of the staff member based upon the job description;

   b. The progress of the certified staff member toward meeting the objectives of the individual professional development plan or, whenever applicable, the corrective action plan; and

   c. The preliminary annual written performance report.

4. The annual written performance report shall be prepared by the certified staff member's supervisor as designated by the Executive Director, and shall include, but not be limited to:

   a. A summative rating;

   b. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation, and the evaluation instrument;

   c. An individual professional development plan developed by the supervisor and the staff member or, when applicable, a corrective action plan from the evaluation year being reviewed in the report.

5. The certified staff member and the preparer of the annual written performance report shall sign the report within ten working days of the review.

6. The annual summary conference and annual written performance report shall be completed prior to April 30.

F. Corrective Action Plans for Certified Staff Members

1. For each certified staff member rated ineffective or partially effective on the annual summative evaluation rating a corrective action plan shall be developed by the staff member and the Executive Director or the staff member's supervisor.

2. The content of the corrective action plan shall replace the content of the individual professional development plan until the next annual summary conference.

3. The content of the corrective action plan shall:

   a. Address areas in need of improvement identified in the certified staff member evaluation rubric;

   b. Include specific, demonstrable goals for improvement;

   c. Include responsibilities of the evaluated employee and the school for the plan's implementation; and

   d. Include timelines for meeting the goal(s).

4. The Executive Director or supervisor and the certified staff member on a corrective action plan shall discuss the certified staff member's progress toward the goals outlined in the corrective action plan during each post-observation conference.

5. Progress toward the staff member's goals outlined in the corrective action plan, and data and evidence collected by the supervisor and/or the staff member to determine progress between the time the corrective action plan began and the next annual summary conference, shall be documented in the staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation.

6. Progress toward the staff member's goals outlined in the corrective action plan may be used as evidence in the staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

7. Responsibilities of the evaluated certified staff member on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the staff member's supervisor.

8. If the corrective action plan was created on or prior to September 15 of the academic year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after September 15, the mid-year evaluation shall occur before the annual summary conference. The mid-year evaluation shall include, at a minimum:

   a. One observation in addition to the observations required in Policy and Regulation 3221, the length of which shall be determined by the Executive Director; and

   b. One post-observation conference in addition to the observations required in Policy and Regulation 3221 during which progress toward the certified staff member's goals outlined in the corrective action plan shall be reviewed.

G. Certified Staff Member Observations

1. Observation conferences shall include the following procedures:

   a. A supervisor who is present at the observation shall conduct a post-observation conference with the certified staff member being observed. A post-observation conference shall occur no more than fifteen working days following each observation.

   b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the staff member's evaluation and the staff member's individual professional development plan, collecting additional information needed for the evaluation of the staff member, and offering areas to improve effectiveness.

   c. A pre-conference, when required, shall occur within seven working days prior to the observation, not including the day of the observation.

2. Each certified staff member shall be observed at least three times during each school year. For all certified staff members, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. The Executive Director or designee shall decide whether the third required observation is announced or unannounced. The following additional requirements shall apply:

a. All observations shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.

b. Certified staff members on a corrective action plan shall receive observations as outlined in this Regulation;

c. One post-observation conference may be combined with a certified staff member's annual summary conference.

d. A written evaluation report shall be signed by the supervisor who conducted the observation and post-observation and the certified staff member who was observed.

e. The certified staff member shall submit his or her written comments of the evaluation within ten working days following the conference. The comments shall be attached to each party's copy of the annual written performance report.

3. Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:

a. A certified staff member who is in his or her first or second year of working in the school shall receive at least two long observations and one short observation.

b. A certified staff member who is in his or her third or fourth year of working in the school shall receive at least one long observation and two short observations.

c. The Executive Director may direct the completion of additional observations of any staff member.

H. Certified Staff Member Evaluation Instrument

1. The evaluation instrument shall meet the following criteria:

a. Include scoring guides for assessing staff member practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:

(1) Clearly define the expectations for each rating category;

(2) Provide a conversion to the four rating categories: ineffective, partially effective, effective, and highly effective;

(3) Use clear and precise language that facilitates common understanding among certified staff member and administrators.

b. Rely, to the extent possible, on specific, discrete, observable, and/or measurable behaviors of students and staff members with direct evidence of student engagement and learning.

Adopted: 24 October 2019

R 3223 EVALUATION OF ADMINISTRATORS

The observation and evaluation of administrators will be conducted by appropriate administrative staff members. Evaluation will be conducted in accordance with the following procedures.

A. Evaluation Criteria

1. Evaluation criteria for each administrative position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:

   a. Briefly stated and focused on major criteria of the position,

   b. Based on observable information rather than on factors requiring subjective judgment,

   c. Generic, covering a number of specific positions, and

   d. Written in the same format and in a direct, simple style.

2. Maintenance of administrative job evaluation criteria will be the responsibility of the Executive Director or designee. Evaluation criteria will be reviewed annually, and

   a. Whenever the corresponding job description is revised, or

   b. On the request of a single job holder.

3. Each administrator will be sent a copy of the current evaluation criteria for his/her position annually by the Executive Director or designee. Any revisions will be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

B. Collection of Evaluation Data

Data will be gathered by any one or more of the following evaluation methods:

1. Direct observation of the administrator in the course of performing an assigned duty;

2. Review of a product from the administrator that results from the performance of his/her assigned duties;

3. Interviews of the administrator regarding his/her knowledge of assigned duties;

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

5. Audio-visual monitoring of the administrator in the performance of his/her assigned duties; and

6. Reference to previous performance reports.

C. Observations

1. Administrators will be evaluated at least once during each school year.

2. The evaluator shall confer with the administrator at the beginning of each school year. They shall together determine the job performance that will be observed. The observation period will occupy not less than one hour's time.

3. Each observation will be recorded on a separate form and a copy sent to the administrator within seventy-two hours prior to the observation conference.

D. Evaluations

1. A written evaluation of each administrator in the performance of his/her duties will be prepared within fifteen calendar days of the observation.

2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each administrator's total performance as an employee of the school. This evaluation will be submitted to the administrator sufficiently in advance of the conference to enable the administrator or the Executive Director to amend it. It will be appended to the evaluation based on performance observation and will be presented to the administrator at the conference.

E. Post Observation Conferences

1. No later than fifteen days after the observation, the administrator and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with D1 and D2 above.

2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the administrator whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the administrator's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.

3. Two copies of the written evaluation will be prepared and both the supervisor and the administrator shall sign each copy and retain one copy.

4. If the administrator so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.

5. Each observation report will be filed in the administrator's personnel file. A copy will be provided to the administrator within ten working days of the conference.

F. Annual Performance Conference and Report

1. An annual performance conference will be held with each administrator by the evaluator who prepared the annual performance report (whenever possible) before the administrator's annual performance report is filed.

2. The annual performance conference will include a review of the:

   a. Administrator's performance based upon his/her job description,

   b. Administrator's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and

   c. Available indicators of student progress and growth toward their program objectives (if applicable).

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

4. The annual performance report will be signed by the evaluator at the time of the conference and by the administrator within five working days of the conference. The signature of the administrator will not necessarily be construed to indicate assent with the report.

5. The administrator shall have up to ten working days following the conference to add material to the report not included by the evaluator.

6. Each annual performance report shall be filed in the administrator's personnel file. A copy will be provided to the staff member within ten working days of the conference.

G. Review of Student Progress and Growth

1. A review will be conducted, at least annually, of student progress and growth in each class, for the purpose of determining whether or not changes in the performance of the administrator or in the program would lead to improved results by the students during the subsequent school year.

2. The review of student progress and growth will be made by an evaluator who is familiar with the students involved and the school context against indicators previously determined by the administrator and agreed upon by the Executive Director.

3. A summary of the student progress and growth data and its implications will be placed in the administrator's annual performance report. If applicable, the student progress and growth report will be one measure of the administrator's annual performance evaluation.

4. If the review of the student data reveals that students have not made the progress expected, the supervisor and administrator shall jointly determine what changes should be made to improve student performance. Any such changes are subject to approval of the Executive Director before being implemented.

H. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared annually for each administrator to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each administrator as determined from weaknesses identified in his/her evaluation.

2. The Performance Improvement Plan will be prepared in cooperation with the administrator whenever possible and will include:

   a. Areas of required growth,

   b. Methods of achieving that growth,

   c. A schedule for implementation of those methods, and

   d. The responsibility of the administrator and the school for implementing the plan.

3. At the time the Performance Improvement Plan is prepared, a review will also be made of the administrator's efforts to achieve the prior year's plan.

4. Copies of the Individual Performance Improvement Plan will be placed in the administrator's annual performance report and given to the administrator. The degree to which the administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.

5. It is the duty of the administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including certification of charges.

Adopted: 24 October 2019

R 3230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment when such employment does not:

   a. Constitute a conflict of interest;

   b. Violate the provisions of the New Jersey School Ethics Act; or

   c. Occur at a time when the employee has assigned school duties and responsibilities.

2. A full-time employee who engages in employment outside the school shall report that employment to the Executive Director only if the outside employment may require any type of accommodation by the school or if the outside employment would require the staff member to not perform or limit the staff member's ability to perform all the responsibilities of their school employment.

B. Private Enterprise, Business, or Business Organization

1. An employee shall not conduct activities on school grounds that may advance a private enterprise, business, or business organization without the express permission of the Executive Director. Permission will not be given for solicitations or collections on behalf of a private enterprise, business, or business organization.

2. An employee shall not, on school grounds, solicit students for trips other than those expressly approved by the Board or Executive Director without permission of the Executive Director. School grounds shall not be used as the point of departure or arrival for any such privately arranged trip.

R 3232 TUTORING SERVICES

A. Additional Help in Academic Programs

1. Teachers will make every reasonable effort to assist students assigned to them who need additional help in their academic programs.

2. Additional help may be given during the course of the staff member's work day or before or after school hours.

3. This additional help is an extension of the staff member's assigned school responsibilities and no staff member may charge a fee for providing this additional help to students.

B. Private Tutoring Services

1. A staff member who believes a student may benefit from private tutoring services in addition to any additional help provided to a student as part of the staff member's assigned responsibilities will inform the Principal or designee.

2. If the Principal or designee concurs with the staff member's recommendation, he/she or the staff member will notify the student's parent. The Principal or designee will not recommend a private tutor or maintain a list of private tutors. The retention of a private tutor shall be the sole responsibility of the parent.

3. The responsibility of contracting a private tutor is the responsibility of the parent. The Principal or designee will discuss the student's performance and needs with the student's parent.

4. The school staff member shall cooperate with the student in providing information and materials used in class and in specifying the areas where the student needs tutoring.

5. Private tutoring shall not take place on school grounds and any fees or compensation arrangements shall be made between the private tutor and the parent. The Board of Trustees assumes no responsibility, liability, or obligations for the selection of a private tutor that is contracted by the parent or the quality of the tutoring services provided.

6. A school staff member may be contracted by a parent to provide tutoring services to a student. School staff members are prohibited from providing private tutoring services to students currently enrolled in their classes or to a student who the staff member participates as a member of the student's evaluation team.

Issued: 24 October 2019

R 3233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;

2. The distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;

3. Collection of and solicitation for campaign funds;

4. Solicitation for campaign workers;

5. Use of students for writing or addressing political materials or the distribution of such materials to or by students;

6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a school facility used as a polling place; and

7. 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.

B. Permitted Activities

The following political activities are permitted on school premises.

1. Conduct of student and employee elections and any campaigning connected with those elections.

2. Classroom discussion and study of politics and political issues, when such discussion and study are appropriate to studies such as history, current events, or political science.

3. Distribution of political materials when approved by the Executive Director or designee and when relevant to the class, curriculum, and maturity of the students. Any such material shall be presented by the teacher without bias or discrimination.

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

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R 3240 PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL LEADERS

A. Definitions (N.J.A.C. 6A:9C-2.1)

1. The definitions set forth in N.J.A.C. 6A:9-2.1 shall apply to the words and terms used in N.J.A.C. 6A:9C-3 et seq. and 6A:9C-4 et seq. and Policy and Regulation 3240.

B. Components of Professional Development – (N.J.A.C. 6A:9C-3.2)

1. Professional development shall align with the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3, the standards for professional learning in N.J.A.C. 6A:9C-3.3, student learning and educator development needs, and school, and/or State improvement goals.

2. Professional development shall encompass a broad range of professional learning that contributes to improved practice, including, but not limited to, participation in the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:

   a. Evaluating student learning needs through ongoing reviews of data on student performance; and

   b. Defining a clear set of educator learning goals based on the rigorous analysis of data on student performance.

3. Professional learning shall incorporate coherent, sustained, and evidenced-based strategies that improve educator effectiveness and student achievement, such as job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.

4. Professional learning may be supported by external expert assistance or additional activities that:

   a. Address defined student and educator learning goals;

   b. Advance primarily ongoing school-based professional learning; and

c. Include, but are not limited to, courses, workshops, institutes, networks, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service agencies, technical assistance providers, networks of content specialists, and other education organizations and associations.

C. Standards for Professional Learning (N.J.A.C. 6A:9C-3.3)

1. Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:

a. Learning communities: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;

b. Leadership: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;

c. Resources: Requires prioritizing, monitoring, and coordinating resources for educator learning;

d. Data: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

e. Learning designs: Integrates theories, research, and models of human learning to achieve its intended outcomes;

f. Implementation: Applies research on change and sustains support for implementation of professional learning for long-term change; and

g. Outcomes: Aligns its outcomes with educator performance and student curriculum standards.

D. Requirements for and Implementation of Teachers' Individual Professional Development Plans (N.J.A.C. 6A:9C-4.4)

1. Each teacher shall be guided by an individualized Professional Development Plan (PDP), pursuant to N.J.S.A. 18A:6-128.a, which shall include at least twenty hours per year of qualifying experiences. The twenty-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.



2. The content of each individual 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 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3.

3. Each teacher's individual PDP shall be updated annually no later than October 31, except:

   a. If the teacher is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.

4. The individual PDP shall be modified during the year, as necessary, and shall specify at least:

   a. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; and

   b. One area for development of professional practice derived from individual, collaborative team, or school improvement goals.

5. Progress on the individual PDP shall be discussed at the annual summary conference, pursuant to N.J.A.C. 6A:10-2.4, but may occur more frequently throughout the year.

6. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her designated supervisor, and shall be reviewed as part of each annual summary conference.

7. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements outlined in N.J.A.C. 6A:9C-4.

8. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner of Education.

9. The teacher's designated supervisor shall:

a. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements and shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and

b. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements, pursuant to N.J.AC. 6A:9C-4.3 and N.J.A.C. 6A:9C-4.4. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.

10. If a teacher leaves the employ of one New Jersey school and is hired by another, the previous employing school shall share with the new employing school the teacher's individual PDP and all supporting documentation. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school shall ensure a revised individual PDP and timeline is created in accordance with N.J.A.C. 6A:9C-4.4.

E. School-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)

1. The Principal shall oversee the development and implementation of a plan for school-level professional development and shall ensure:

a. The school-level professional development plan includes a description of school-level and team-based professional learning aligned with identified school goals, and includes teacher and student learning needs; and

b. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements pursuant to N.J.A.C. 6A:9C-4.4(a).

2. The school-level plan shall become part of the school plan for professional development overseen and reviewed by the Executive Director.

F. Requirements for School-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)

1. The school plan shall provide information on school-level professional development learning opportunities, the resources being allocated toward their support, a justification for the expenditures, and include any professional development required by statute or regulation.

2. The Executive Director or designee shall oversee the development and implementation of the school plan to address the school's professional development needs and shall review on an annual basis the school plan to assess its effectiveness and revise it, as necessary, to meet the school's learning goals for students, teachers, and school leaders.

3. When overseeing and reviewing the school plan, the Executive Director or designee shall:

   a. Review school-level professional development plans;

   b. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school-level performances;

   c. Plan, support, and implement professional learning activities that address the New Jersey Student Learning Standards, and that align with the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3;

   d. Develop and update, as necessary, the school mentoring plan for non-tenured teachers including novice professional teachers who hold a CE or CEAS, in accordance with N.J.A.C. 6A:9C-5.3;

   e. Present the plan to the Board of Trustees to review for fiscal impact; and

   f. Certify annually to the Department of Education, through a statement of assurance, that the school is meeting the requirements for the school plan as set forth in N.J.A.C. 6A:9C-4.2 and that it includes requirements of the school mentoring plan pursuant to N.J.A.C. 6A:9C-5.3.



4. Schools sending to the same middle and/or high school may form a regional consortium to develop one school-wide plan based on the sending schools' plans.

G. Requirements for and Implementation of School Leaders' Professional Development Plans (N.J.A.C. 6A:9C-4.3)

1. Each school leader shall create, implement, and complete an individual PDP that:

   a. Aligns with the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.4 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3;

   b. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the school leader;

   c. Identifies professional learning goals that address specific individual or school goals;

   d. Grounds professional learning in objectives related to improving teaching, learning, and student achievement, and aligns to the school plan for professional development; and

   e. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2 and other statutory requirements related to student safety, bullying and harassment, and well-being.

2. Each school leader's individual PDP shall be developed by October 31 except:

   a. If the school leader is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.

3. The Executive Director shall develop an individual PDP for review by the Board of Trustees. In developing the individual PDP, the following process shall be followed:

   a. The Board shall review the Executive Director's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure the individual PDP aligns to school goals and to the school's plan for professional development.



b. The Executive Director shall submit annually to the Board evidence of progress toward completion of the individual PDP. The Executive Director also shall submit every three to five years, depending on the length of his or her contract with the Board, summative evidence of plan completion.

c. The Executive Director may appeal to the Executive County Superintendent if he or she disagrees with the Board regarding PDP contents or progress toward completion. The Executive County Superintendent shall have final decision-making authority on all such matters.

4. Each leader whose position requires a Principal or supervisor endorsement, or whose position requires a Chief School Administrator endorsement but who does not serve as a Chief School Administrator or Executive Director of a school, shall develop in collaboration with his or her designated supervisor an individual PDP and shall provide evidence to his or her designated supervisor of progress toward fulfillment of his or her plan. The Executive Director or designee shall:

a. Review each Principal's, supervisor's, or other school leader's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure it aligns to school goals and the school's plan for professional development;

b. Meet with the Principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and

c. Review the individual PDP's status as part of the Principal's, supervisor's, or other school leader's annual performance evaluation.

5. The school leader's designated supervisor, or the Board of Trustees in the case of the Executive Director, shall:

a. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the Board shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and



b. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.

6. If a school leader leaves the employ of one New Jersey school and is hired by another, the school leader's designated supervisor, or the Board of Trustees in the case of the Executive Director, shall ensure a revised individual PDP appropriate to the new assignment is developed in collaboration with the school leader.

H. Assistance (N.J.A.C. 6A:9C-4.1)

1. The Board of Trustees shall ensure all teachers and school leaders receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective professional development plans.

R 3270 LESSON PLANS AND PLAN BOOKS

A. Lesson Plans

1. Each teaching staff member assigned specific instructional responsibilities shall prepare regular lesson plans.

2. Each lesson plan must include the:

   a. Name of the unit or area of learning;

   b. Goals and objectives;

   c. New Jersey Core Curriculum Content Standards;

   d. Content outline;

   e. Duration of the lesson;

   f. Instructional methodology;

   g. Evaluation procedures;

   h. Progress Indicators;

   i. Any seat work or activity center assignments;

   j. Homework assignments; and

   k. Resource materials.

3. Lesson plans must be completed at least one week in advance.

4. Lesson plans will follow the format established at the building or departmental level, as appropriate. Lesson plans will ordinarily be prepared on a daily basis, but, if the format so dictates, may be prepared on a long-range unit basis.

5. Lesson plans must be prepared with clarity and in sufficient detail to permit a person unacquainted with the classroom to conduct the lesson efficiently and effectively.

B. Plan Books

1. A plan book will be kept by each teacher as a master plan for instruction in the classroom. In addition, the plan book will permit administrators to monitor classroom instruction and will give direction to substitutes.

2. Plan books will include:

   a. Lesson plans,

   b. Daily class schedules, and

   c. The names of students receiving remedial instruction or removed from the classroom for specialized instruction during the school day.

3. Plan books will be submitted to the Principal for review as required.

4. Plan books must be available for use by a substitute in an unforeseen situation. Plan books will not be removed from the classroom overnight.

C. Substitute Lesson Plans

Each teacher shall submit a substitute folder to the Principal or Assistant Principal that contains the following:

1. Special plans and hints for the substitute;

2. Helpful students for each selection;

3. Procedure for opening exercises;

4. Explanation sheet on taking daily attendance;

5. Special lessons to be used by the substitute when you are absent;

6. Procedure for dismissal of each class and dismissal at the end of the day;

7. Special subjects schedule-art, music, physical education, students leaving for instrumental lessons and remedial reading;

8. Fire drill forms;

9. Seating charts;

10. Room rules and regulations;

11. Names of students with special problems, such as physical disabilities.

Substitute folders should be reviewed and updated periodically. Special plans in the substitute folder will only be necessary should the teacher want a substitute not to follow their regular lesson plans. To help the substitute and to provide meaningful work for the children when they are absent, prepare a folder of subject related seatwork activities or ideas which a substitute can utilize if needed for each class assignment. Every attempt should be made to have the substitute follow the teachers' planbooks so that the children's education will not be interrupted during the teacher's absence, particularly if it is an extended absence.

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R 3280 LIABILITY FOR STUDENT WELFARE

A. A 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.

1. A class or activity must never be left unattended while students are in the room, except that a teacher may stand immediately outside the door of the room as students are entering.

2. A class or activity must never be left with an unqualified person in charge of students.

3. Younger students should be accompanied to assigned places of instruction and monitored until supervision is assumed by another qualified, responsible person.

4. Students shall not be allowed to inflict bodily harm on one another. Teaching staff members are responsible for preventing and stopping student fights and assaults, whatever the cause or intent; if necessary, responsible assistance must be quickly summoned. Teaching staff members may restrain a student only with the reasonable amount of force necessary to:

   a. Quell a disturbance,

   b. Obtain possession of weapons or dangerous objects,

   c. Offer self-defense, or

   d. Protect persons or property.

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

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

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

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

F. A teaching staff member must never transport students in a personal vehicle without the approval of the Principal. Any transportation of students by private vehicle is subject to Policy 8660.

G. A teaching staff member must not require a student to perform tasks that may be detrimental to the student's health or well-being.

1. Students may be permitted to use only items of equipment that have been provided by the Board.

2. Equipment shall not be used for purposes other than the instructional purposes for which the equipment was provided; equipment may never be operated in a hazardous manner.

3. Power tools and other inherently hazardous equipment may be used only by students to whom the tools or equipment have been assigned for instructional purposes and who have received instruction for their safe use.

4. Students will be permitted to work in a shop, kitchen, or laboratory only during the period scheduled for instruction and only in accordance with safety rules.

5. Classroom materials and equipment should be organized so as to minimize the danger of injury to students.

6. Teachers must exercise good judgment when assigning tasks to students to prevent bodily harm and damage to property.

7. Safety equipment provided for use in potentially hazardous situations must be properly and promptly utilized when necessary.

H. A teaching staff member must render prompt reports when so required by law and Board policy.

1. Instances of substance abuse will be reported in accordance with Policy 5530.

2. Instances of violence and/or vandalism will be reported in accordance with Policy 8461P.

3. Accidents will be reported in accordance with Board Policy 8442.

4. Instances of suspected child abuse will be reported in accordance with Policy 8461P and 8462P.

5. Missing children will be reported in accordance with Board Policy.

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R 3281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Trustees. Policy 3281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to students.

A. Definitions

1. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.

2. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

3. The "immediate supervisor" for teaching staff members may be a Principal, a member of the school's non-instructional supervisory staff and/or the Business Manager.

4. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a student's clothing or physical appearance, comments with sexual overtones, comments regarding a student's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.

5. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a student for a social relationship outside the school staff/student relationship, sexually harassing conduct, inappropriate touching by the staff member to a student or permitting a student to inappropriately touch a staff member, corporal punishment, requesting a student to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a student. Inappropriate conduct also includes physical contact between a staff member and student that is beyond the staff member/student professional relationship. This

contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/student professional relationship. "Inappropriate conduct" does not include a hug initiated by a student as a sign of the student's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

6. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.

7. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.

8. "Quid Pro Quo Sexual Harassment" is 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.

9. "Principal" is the Principal of the building where the staff member is assigned.

10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Principal no later than seventy-two hours after the required reporting time.

12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.

13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school's staff, including any agents and/or representatives of the school.

14. "Unannounced or uninvited visit" is a student visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a student is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Principal or immediate supervisor.

2. Any staff member who believes, or has reason to believe, a student is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a student beyond the professional responsibilities of the other staff member must promptly report this information to the Principal or immediate supervisor.

3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Principal or immediate supervisor.

4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

5. Any student, parent, and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Principal.

6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.

7. School staff having reasonable cause to believe a 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.



C. Investigation of Reports

1. An immediate supervisor or Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Executive Director.

2. The Assistant Director will begin a prompt and thorough investigation of every report.

3. The Assistant Director will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families if there is 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 and in accordance with N.J.A.C. 6A:16-11.1, and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The Assistant Director will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Assistant Director received the report.

2. The Assistant Director's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any students who may have potential knowledge of such conduct, interviews with parents or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and student(s) reported to have engaged in conduct prohibited by this Policy and Regulation.

3. The Assistant Director will request, if relevant to an investigation, the parents of any student involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.

4. If, based on a preliminary investigation, the Assistant Director determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parents of the student(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parents if requested. The Assistant Director will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.



5. If, based on a preliminary investigation, the Assistant Director deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parents of the student(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parents of the student indicated in the report upon request.

E. Full Investigation

1. The Assistant Director, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or local law enforcement.

2. The Assistant Director will conduct the full investigation if the New Jersey Department of Children and Families and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-11.1 for reporting to the New Jersey Department of Children and Families and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.

3. The full investigation will include, but not be limited to, interviews with the staff member(s), students, parents and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.

4. The Assistant Director will accept testimony and evidence from the staff member(s), student(s), parent(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony and evidence to the Assistant Director relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Executive Director.

6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the Assistant Director will prepare a written report to the Executive Director. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the Assistant Director.



7. If the Assistant Director's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Executive Director concurs with the report's findings, the Assistant Director will notify and meet with the staff member(s) and the parent(s) of the student(s) investigated to review the findings.

8. If the Assistant Director's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Executive Director concurs with the report's findings, the Executive Director may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:

    a. Provide the staff member an opportunity to rebut the findings of the Assistant Director's full investigation report and findings;

    b. Recommend to the Board of Trustees the withholding of the staff member's salary increment/increase for the subsequent school year;

    c. Not recommend the staff member be re-appointed for the next school year;

    d. Recommend to the Board of Trustees the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;

    e. Recommend to the Board of Trustees any other disciplinary and/or legal measures as the Executive Director determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Trustees.

9. If the Executive Director does not concur with the findings of the Assistant Director's full investigation, the Executive Director may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Assistant Director, a discussion with the student(s) and parent(s) and any activity the Executive Director believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Executive Director will proceed consistent with paragraph 7. and 8. above.

10. Any person who is not satisfied with the Executive Director's determination may appeal to the Board of Trustees.

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

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

Because of the complex association between so many government agencies and computer network(s)/computers, teaching staff members must adhere to strict regulations. Regulations are provided here so that teaching staff members are aware of their responsibilities. The school may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Teaching staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing teaching staff members behavior and communications apply. The school's network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to teaching staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the school computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with school standards. Beyond the clarification of such standards, the school is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

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

Within reasonable limits, freedom of speech and access to information will be honored. During school, teaching staff members will guide students toward appropriate materials.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system

administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide student access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Teaching staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise student use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Teaching staff members should discipline students knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform students that such activities may result in termination of such students' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

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

Users agree to indemnify the Essex Valley School and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

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

Software Libraries on the Network(s)

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

Copyrighted Material

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

Public Posting Areas (Message Boards/Usenet Groups)

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

Real-time, Interactive, Communication Areas

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



Electronic Mail

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

Disk Usage

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

Security

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



Vandalism

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

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation 3321, Teaching Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy 3150, Teaching Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Technology Coordinator in matters relating to the use of computer network(s)/computers and by the Executive Director or designee in matters of discipline or employee suspension or actions by the authorities are the appropriate course of action.

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

1. Use of Computer Network(s)/Computers only under direct supervision;

2. Suspension of network privileges;

3. Revocation of network privileges;

4. Suspension of computer privileges;

5. Revocation of computer privileges;

6. Suspension from employment;

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

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

Decisions of the Executive Director may be appealed in accordance with the appropriate employee grievance procedure.

Issued: 24 October 2019

R 3362 SEXUAL HARASSMENT OF TEACHING STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Trustees. The Executive Director and school staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.

3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member'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 staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct

a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Principal, their immediate supervisor or the Affirmative Action Officer.

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

c. A report to the school Principal or an immediate supervisor will be forwarded to the school Affirmative Action Officer within one working day, even if the school Principal or immediate supervisor feels sexual harassment conduct was not present.

d. In the event the report alleges conduct by the Principal or the Affirmative Action Officer, the Executive Director will designate a school official to assume the Principal's or Affirmative Action Officer's responsibilities as outlined in Policy 3362 and this Regulation.

2. Affirmative Action Officer's Investigation

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

b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.

c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.

e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation 3362 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

g. The Affirmative Action Officer and/or Executive Director will contact law enforcement agencies if there is potential criminal conduct by any party.

h. The school administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.

i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.

3. Investigation Results

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

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

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

d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the Executive Director shall take steps to eliminate the hostile environment. The school may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.

f. In some situations, the school may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.

g. The Executive Director will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.

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

4. Affirmative Action Officer's Investigation Appeal Process

a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Executive Director. The Executive Director will make his/her determination within ten working days of receiving the appeal.

b. Any person who is not satisfied with the Executive Director's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Executive Director's determination.

Issued: 24 October 2019

R 3425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the Human Resources Manager, the school's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in the school building and in the Coordinator's office.

2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or to the workers' compensation physician.

   a. In the event the injury requires immediate medical treatment, the staff member may be directed to the school physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.

   b. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:

      (1) Go to the hospital emergency room; and

      (2) Notify their immediate supervisor as soon as possible after the injury.

   c. In the event the injured staff member goes to the hospital emergency room when school is closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.

d. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:

(1) Immediately notify their immediate supervisor; and

(2) Notify the Coordinator's office the next business day.

3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.

a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.

4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.

5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.

B. Physician's Workers' Compensation Examination and Evaluation

1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school.

2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.

3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.

2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.

3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.

4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.

5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.

6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.

2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.

4. There is no restriction on the school location or the type of modified duties assigned to the staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.

5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.

2. Staff members are required to follow the Coordinator's directives regarding:

   a. Job assignments and tasks;

   b. Attending scheduled doctors' appointments; and

   c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable Federal and State laws and in accordance with provisions of collective bargaining agreements within the school.

Issued: 24 October 2019

R 3432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this school will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:

   a. Personal disability due to the employee's illness or injury,

   b. The employee's exclusion from school by the school's medical authorities on account of a contagious disease, or

   c. The employee's having been quarantined for a contagious disease in his/her immediate household.

2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:

   a. Has engaged in or prepared for gainful employment with an employer other than the Board,

   b. Has participated in a concerted work stoppage, or

   c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Absence Reporting

1. Staff members who are unable to report for work due to illness, or expect to be late, must telephone their supervisor before the scheduled start of the workday or as soon thereafter as is possible. Staff members shall provide the specific reason for the absence or delay. This policy applies for each day of the absence; unless it is determined the absence will be an extended one.

2. In addition to the above, all staff members must call the school's main phone number, by 7:00 a.m. of their scheduled work day if they are unable to report to work, so that office staff can arrange for substitute coverage.

3. A lesson plan should be in place for the substitute in case of absence. All teachers must maintain an emergency substitute file. This file will be kept in the office of the Principal. These plans should provide student work for three days and should be updated periodically to reflect current academic performance.

4. A staff member who arrives more than one hour past the contracted arrival time, may be charged for one half of a personal day.

C. Excessive absence or lateness may result in disciplinary measures up to and including termination.

D. Records

1. The personnel file of each person employed by this school will include an accurate record of the employee's attendance in accordance with Policy 3212.

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

3. The attendance record will include the number of accumulated unused sick leave days in the employee's sick leave bank.

R 4000 SUPPORT STAFF MEMBERS

Number	Title
R 4160	Physical Examination (M)
R 4211.3	Consulting Outside the School
R 4218	Substance Abuse (M)
R 4220	Employee Evaluation
R 4230	Outside Activities
R 4233	Political Activities
R 4240	Employee Training
R 4281	Inappropriate Staff Conduct
R 4321	Acceptable Use of Computer Network(s)/Computers and Resources by Support Staff Members
R 4352	Sexual Harassment of Support Staff Members Complaint Procedure
R 4425.1	Modified Duty Early Return To Work Program – Support Staff Members
R 4432	Sick Leave

R 4160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

   a. A health history shall include, but is not limited to, the candidate's:

      (1) Past serious illnesses and injuries;

      (2) Current health problems;

      (3) Allergies; and

      (4) A record of immunizations.

b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure; and

(6) Vision screening.

C. Medical Requirements Upon Employment

1. A Mantoux tuberculosis test shall be given upon employment of all newly hired staff members (full-time and part-time), and to all student teachers, school bus drivers on contract with the school, and to contractors or volunteers who have contact with students. Tuberculosis testing is not required for volunteers working with students less than twenty hours per month.

a. Tuberculosis testing is not required:

(1) For new staff members, student teachers, and contractors of the school with a documented negative tuberculosis test result in the last six months or a documented positive tuberculosis test, regardless of when this test was done; or

(2) For a school staff member transferring between schools or from a non-public school within New Jersey with a documented tuberculosis test result upon his/her initial employment by a New Jersey school.

b. Staff members, student teachers, contractors or volunteers who have contact with students and claim a religious exemption cannot be compelled to submit to tuberculosis testing. In these instances, a symptom assessment must be done (TB-8 Form). If TB-like symptoms are reported, a physician must document that the staff member, student teacher, contractor, or volunteer does not have an active disease.

(1) The school shall determine the criteria essential to document a valid religious exemption.

c. Procedures for the administration of the Mantoux tuberculosis test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines and requirements of the New Jersey Department of Health.

2. An individual support staff member may provide health-status information, including medications, that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the support staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

D. Health Records

1. All health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files.

2. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.

E. Employees' Physical Examination and Medical Updates

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

F. Review of Examinations and Assessments

1. The results of the physical examination of a candidate for employment who has received a conditional offer of employment will be reviewed by the school physician, who, in consultation with the Executive Director, will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.

G. Rescinding a Conditional Offer of Employment – Notice to Candidates for Employment Who Receive a Conditional Offer of Employment

1. All candidates for employment who receive a conditional offer of employment shall be informed by the school that:

   a. An offer of employment by the Executive Director or designee is conditional upon completion of the Board's required physical examinations and assessments;

   b. The required examinations and assessments will be used to determine the candidate's ability to perform with reasonable accommodations job-related functions pursuant to ADA; and

   c. If it is determined upon completing the examination(s) or assessment(s) the candidate is unable to perform with reasonable accommodations 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.

Adopted: 24 October 2019

R 4211.3 CONSULTING OUTSIDE THE SCHOOL

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

A. Definitions

1. Agency - A public or private agency requesting the services of the school's support staff member.

2. Other schools - A school other than the school that employs the support staff member, including all supervisory and administrative personnel.

3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.

4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the support staff member, except out-of-pocket expenses.

5. Staff member - A contracted member of the school's support staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The support staff member or the agency requesting the expertise and knowledge of the support staff member must submit a written request to the Executive Director or designee. The written request must include the following:

   a. The date(s) the support staff member will be away from the school;

   b. The time of day the support staff member will be away from the school;

   c. Any out-of-pocket costs to the school;

d. Any reimbursements that the support staff member is entitled to from the other school or agency;

e. The specific services requested of the support staff member; and

f. The location where the services will be provided.

2. The Executive Director or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school for reciprocal services, a reduction in the future or existing cost of services to the school, the support staff member's attendance record and the impact of the support staff member being out of the school for the requested time.

3. The Executive Director or designee will determine and recommend each request on a case by case basis and the decision is final. The Executive Director may require the other school or agency to pay the cost of any substitute personnel related to the request.

4. If deemed to be in the best interest of the school, the Executive Director's recommendation will be submitted to the Board for approval.

5. The Board's approval of the Executive Director's recommendation will permit the support staff member's consulting activity attendance and the support staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the support staff member if the request is approved by the Board.

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R 4218 SUBSTANCE ABUSE

A. Definition

1. "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.

2. "Substance test" means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.

3. "Support staff member's supervisor" or "supervisor" means the building or school administrative staff member who is responsible for supervising the support staff member. For the purposes of this Policy and Regulation, the support staff member's supervisor shall be the support staff member's Principal, Business Manager, school Director or Supervisor, or any other administrative staff member designated by the Executive Director.

4. "Under the influence" means the presence of a substance as defined in Policy 4218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a Support Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a support staff member is suspected of being under the influence of a substance during work hours.

a. The support staff member's supervisor, upon receiving a report or information a support staff member may be under the influence of a substance during work hours will:

(1) Immediately notify the Executive Director;

(2) Immediately meet with the support staff member;

(a) The support staff member's supervisor may include another staff member in this meeting; and

(b) The support staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.

b. The support staff member's supervisor shall present to the support staff member the report or information supporting the suspicion the support staff member may be under the influence of a substance.

c. The support staff member shall be provided an opportunity to respond to the report or information presented by the supervisor.

d. In the event the supervisor or designee believes the support staff member may be under the influence of a substance after meeting with the support staff member, the supervisor will arrange for an immediate medical examination to include a substance test.

e. The support staff member shall be transported to the examination and testing location by means of transportation approved by the Executive Director or designee and shall be accompanied by the support staff member's supervisor or designee.

f. The support staff member, prior to the medical examination and substance test, will be informed by the physician or the physician's designee on the type of testing to be completed and the substances that will be tested.

g. The support staff member may, prior to being examined and tested, disclose to the physician any prescription medicine, over-the-counter medicine or supplements, or any other reason why the support staff member's test results may be positive.

h. A support staff member's refusal to be examined or tested in accordance with the provisions of Policy 4218 and this Regulation will be deemed as a positive test for substances.

2. The medical examination and substance test shall be used by the physician to determine if the support staff member is under the influence of any substance as defined in Policy 4218 and this Regulation. The substance test procedures will provide for a confirming test using acceptable confirmation test procedures.

3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Executive Director and the support staff member as soon as the test results are available.

4. If the physician determines, based upon the medical examination and the results of the substance test, that the support staff member was not under the influence of a substance during work hours, the physician will notify the Executive Director of such results and the support staff member shall return to their position in the school. Any records or documentation related to the incident shall not be included in the support staff member's personnel file.

5. If the physician determines, based upon the medical examination and the results of the substance test, that the support staff member was under the influence of a substance during work hours, the physician will:

    a. Discuss the results of the examination and substance test with the support staff member and provide the support staff member an opportunity to present any medical or other reasons for the physician's determination.

    b. Provide the support staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician.

        (1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.

        (2) The confirming substance test results must be provided to the physician within the time period required by the physician.

        (3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the support staff member shall be determined to have waived their right to a have a confirming substance test considered by the physician.

c. After completing the requirements in a. and b. above the physician shall make a final determination whether the support staff member was under the influence of a substance during the work hours.

(1) If the physician makes a final determination the support staff member was not under the influence during work hours, the physician will report these results to the Executive Director and the support staff member shall return to their position in the school and any records or documentation related to the incident shall not be included in the support staff member's personnel file.

(2) If the physician makes a final determination the support staff member was under the influence during work hours, the physician will report these results to the Executive Director and the support staff member will be required to meet with the Executive Director.

C. Procedures to be Followed When a Support Staff Member is Determined to be Under the Influence of a Substance

1. Any support staff member who has been determined by the physician to be under the influence of a substance during work hours shall be required to meet with the Executive Director.

a. The support staff member may include a staff member or a representative of their choice in this meeting.

2. The Executive Director will provide the support staff member an opportunity to respond to the physician's determination.

3. A support staff member who has been determined to have been under the influence of a substance during work hours will be subject to appropriate discipline which may include termination of or the filing of charges for a support staff member.

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R 4220 EMPLOYEE EVALUATION

A. Evaluator

The observation and evaluation of non-certified staff members will be conducted by the employee's supervisor as specified by the Executive Director or designee.

B. Evaluation Criteria

1. Evaluation criteria for each position will derive from the job description for the position and relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:

   a. Briefly stated and focused on major responsibilities of the position as well as the employee's attitude towards the job and his/her interpersonal relations on the job;

   b. Based on observable information rather than on factors requiring subjective judgment;

   c. Generic, covering a number of specific positions;

   d. Designed to make note of an employee's strengths as well as weaknesses; and

   e. Written in the same format and in a direct, simple style.

2. Maintenance of job evaluation criteria will be the responsibility of the Executive Director or designee.

3. Each non-certified staff member will be sent a copy of the current evaluation criteria for his/her position by the Executive Director or designee in the beginning of the school year.

4. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

C. Collection of Evaluation Data

Data will be gathered by any one or more of the following evaluation methods:

1. Direct observation of the non-certified staff member in the course of performing an assigned duty;

2. Review of a product from the non-certified staff member that results from the performance of his/her assigned duties;

3. Interviews of the non-certified staff member regarding his/her knowledge of assigned duties;

4. Paper and pencil instruments such as competency tests;

5. Audio visual monitoring of the non-certified staff member in the performance of his/her assigned duties; and

6. Reference to previous performance reports.

D. Observation Frequency

1. Non-certified staff members will be evaluated at least once each school year.

E. Evaluation Procedures

1. Each observation will total not less than twenty minutes. The evaluator shall record each separate instance of observation and the activity observed.

2. A written evaluation of each non-certified staff member will be prepared by the observer and will be based, at least in part, on the observation(s) conducted.

3. A copy of the evaluation will be sent to the employee at least three work days prior to the evaluation conference.

4. The employee and the evaluator shall hold a conference to discuss the evaluation report during which the evaluator shall point out both the weaknesses and strengths of the employee.

5. Both the evaluator and the employee shall sign each copy of the evaluation report. By signing the evaluation report the employee implies only that he/she has read and understands the document.

6. The employee may prepare written comments to the evaluation report which will be appended to the report provided it is received by the evaluator not more than five workdays following the conference.

F. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared for each non-certified staff member to correct deficiencies and to encourage improvement.

2. Performance improvement plans will derive from the applicable evaluation criteria and focus on weaknesses identified in the evaluation report.

3. The Individual Performance Improvement Plan will be prepared in cooperation with the employee whenever possible and shall include:

   a. Areas of required growth,

   b. Methods of achieving that growth,

   c. A schedule for implementation of those methods, and

   d. The responsibility of the non-certified staff member and the school for implementing the plan.

4. At the time a Performance Improvement Plan is prepared, a review will also be made of the effort by the staff member to achieve the prior year's plan. The degree to which the employee achieved the requirements of the previous plan will be a measure of his/her performance.

5. Copies of the Individual Performance Improvement Plan will be attached to the employee's evaluation report, given to the non-certified staff member, and filed with the Business office.

6. It is the duty of the non-certified staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action, including, where appropriate, dismissal.

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R 4230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment when such employment does not:

   a. Constitute a conflict of interest;

   b. Violate the New Jersey School Ethics Act; or

   c. Occur at a time when the employee has assigned school duties and responsibilities.

2. A full-time employee who engages in employment outside the school shall report that employment to the Executive Director only if the outside employment may require any type of accommodation by the school or if the outside employment would require the staff member to not perform or limit the staff member's ability to perform all the responsibilities of their school employment.

B. Private Enterprise, Business, or Business Organization

1. An employee shall not conduct activities on school grounds that may advance a private enterprise, business, or business organization without the express permission of the Executive Director. Permission will not be given for solicitations or collections on behalf of a private enterprise, business, or business organization.

2. An employee shall not, on school grounds, solicit students for trips other than those expressly approved by the Board or Executive Director without permission of the Executive Director. School grounds shall not be used as the point of departure or arrival for any such privately arranged activity.

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R 4233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;

2. Distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;

3. Collection of and solicitation for campaign funds;

4. Solicitation for campaign workers;

5. Use of students for writing or addressing political materials or the distribution of such materials to or by students;

6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a school facility used on election day as a polling place; and

7. 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.

B. Permitted Activities

The conduct of employee elections and any campaigning connected with those elections is permitted on school premises.

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

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R 4240 EMPLOYEE TRAINING

A. Programs of Job Skills Improvement

1. The purpose of job skills improvement programs is to increase the knowledge, proficiency, ability, and skills of support staff employees.

2. Training programs will be structured to meet the immediate needs of the school as well as the personal goals of the employees.

3. Training programs for support staff members shall be developed by the Executive Director and school administration.

B. Determination of Training Needs

1. The Principal and supervisors shall annually inventory the training needs of the employees under their supervision by determining whether:

   a. Assignments are being carried out in a systematic and effective manner,

   b. Policies of the Board and regulations of the school are being properly implemented,

   c. Employee evaluations indicate a need for improvement,

   d. Excessive waste or damage is occurring or safety methods are not being followed,

   e. Employees have an opportunity to express their views on the manner in which assignments are performed, and

   f. Career advancement training opportunities are available to employees.

2. The Executive Director and school administration shall prepare a report of the training needs for the review of the Board that shows:

   a. Identified needs determined from the inventory;

   b. Current programs that meet identified needs and areas in which current programs do not meet identified needs;

c. Recommendations for on-the-job training procedures in areas in which a need is identified and no current program is available, and

d. Recommendations for the use of off-the-job training programs known to meet school needs.

C. On-the-Job Training

1. On-the-job training is that given to employees while they are at their assigned work stations.

2. On-the-job training shall be directed primarily to new employees and those whose job responsibilities have been changed.

3. Scheduling of training on the job will be the responsibility of the Executive Director and school administration.

4. The outcome of training on the job should be a higher level of performance by each affected employee.

D. Off-the-Job Training

1. Off-the-job training is that attended by employees during or after their regular job assignments but away from their assigned work stations.

2. Training off the job should generally be directed to those employees who have specialized workplace needs.

3. Suitable training programs shall be identified for support staff employees by the Executive Director and school administration with approval of costs by the Business Manager.

4. Allowable fees for attendance at off-the-job training programs shall be reimbursed upon the submission of an expense voucher to the Business Manager in accordance with Policy 6471.

5. Employees who are recompensed for costs of off-the-job training are expected to continue in their employment for at least one year. Prorata reimbursement will be required for shorter periods of employment.

E. Training Effectiveness

1. Employees assigned to training off the job shall complete a school form designed to evaluate the effectiveness of the program.

2. The Executive Director or designee shall review the performance of each employee assigned training either on or off the job thirty to forty-five days following the completion of the program.

3. The Executive Director or designee shall report to the Board on the effectiveness and cost of the training programs. He/She shall recommend continuation and discontinuance of programs as appropriate.

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R 4281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Trustees. Policy 4281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to students.

A. Definitions

1. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.

2. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

3. The "immediate supervisor" for support staff members may be a Principal, a member of the school's non-instructional supervisory staff and/or the Business Manager.

4. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a student's clothing or physical appearance, comments with sexual overtones, comments regarding a student's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.

5. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a student for a social relationship outside the school staff/student relationship, sexually harassing conduct, inappropriate touching by the staff member to a student or permitting a student to inappropriately touch a staff member, corporal punishment, requesting a student to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a student. Inappropriate conduct also includes physical contact between a staff member and

student that is beyond the staff member/student professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/student professional relationship. "Inappropriate conduct" does not include a hug initiated by a student as a sign of the student's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

6. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.

7. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.

8. "Quid Pro Quo Sexual Harassment" is 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.

9. "Principal" is the Principal of the building where the staff member is assigned.

10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Principal no later than seventy-two hours after the required reporting time.

12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.

13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school's staff, including any agents and/or representatives of the school.

14. "Unannounced or uninvited visit" is a student visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a student is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Principal or immediate supervisor.

2. Any staff member who believes, or has reason to believe, a student is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a student beyond the professional responsibilities of the other staff member must promptly report this information to the Principal or immediate supervisor.

3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Principal or immediate supervisor.

4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

5. Any student, parent, and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Principal.

6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.

7. School staff having reasonable cause to believe a 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.



C. Investigation of Reports

1. An immediate supervisor or Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Executive Director.

2. The Assistant Director will begin a prompt and thorough investigation of every report.

3. The Assistant Director or the Executive Director will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families if there is 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 and in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The Assistant Director will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Assistant Director received the report.

2. The Assistant Director's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any students who may have potential knowledge of such conduct, interviews with parent(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and student(s) reported to have engaged in conduct prohibited by this Policy and Regulation.

3. The Assistant Director will request, if relevant to an investigation, the parent(s) of any student involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.

4. If, based on a preliminary investigation, the Assistant Director determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s) of the student(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s) if requested. The Assistant Director will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.



5. If, based on a preliminary investigation, the Assistant Director deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s) of the student(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s) of the student indicated in the report upon request.

E. Full Investigation

1. The Assistant Director, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or local law enforcement.

2. The Assistant Director will conduct the full investigation if the New Jersey Department of Children and Families and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-11.1 for reporting to the New Jersey Department of Children and Families and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.

3. The full investigation will include, but not be limited to, interviews with the staff member(s), students, parent(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.

4. The Assistant Director will accept testimony and evidence from the staff member(s), student(s), parent(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony and evidence to the Assistant Director relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Executive Director.

6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the Assistant Director will prepare a written report to the Executive Director. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the Assistant Director.



7. If the Assistant Director's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Executive Director concurs with the report's findings, the Assistant Director will notify and meet with the staff member(s) and the parent(s) of the student(s) investigated to review the findings.

8. If the Assistant Director's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Executive Director concurs with the report's findings, the Executive Director may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:

   a. Provide the staff member an opportunity to rebut the findings of the Assistant Director's full investigation report and findings;

   b. Recommend to the Board of Trustees the withholding of the staff member's salary increment/increase for the subsequent school year;

   c. Not recommend the staff member be re-appointed for the next school year;

   d. Recommend to the Board of Trustees the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;

   e. Recommend to the Board of Trustees any other disciplinary and/or legal measures as the Executive Director determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Trustees.

9. If the Executive Director does not concur with the findings of the Assistant Director's full investigation, the Executive Director may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Assistant Director, a discussion with the student(s) and parent(s) and any activity the Executive Director believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Executive Director will proceed consistent with paragraph 7. and 8. above.

10. Any person who is not satisfied with the Executive Director's determination may appeal to the Board of Trustees.

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R 4321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY SUPPORT STAFF MEMBERS

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

Because of the complex association between so many government agencies and computer network(s)/computers, support staff members must adhere to strict regulations. Regulations are provided here so that support staff members are aware of their responsibilities. The school may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Support staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing support staff members behavior and communications apply. The school's network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to support staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the school computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with school standards. Beyond the clarification of such standards, the school is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

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

Within reasonable limits, freedom of speech and access to information will be honored.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/ computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

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

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide student access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Support staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise student use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Support staff members should discipline students knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform students that such activities may result in termination of such students' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

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

Users agree to indemnify the Essex Valley School and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

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

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to support staff members as an educational resource. No support staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school computer network(s)/computers (e.g., computer viruses)

is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

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

Public Posting Areas (Message Boards/Usenet Groups)

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

Real-time, Interactive, Communication Areas

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

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school computer network(s) must have an educational or administrative purpose and are subject

to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, State, or Federal officials in any investigation concerning or relating to any E-mail transmitted on the school computer network(s) or computers.

Disk Usage

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

Security

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



Vandalism

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

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation 4321, Support Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy 4150, Support Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Technology Coordinator in matters relating to the use of computer network(s)/computers and by the Executive Director or designee in matters of discipline or employee suspension or actions by the authorities deemed to be the appropriate course of action.

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

1. Use of Computer Network(s)/Computers only under direct supervision;

2. Suspension of network privileges;

3. Revocation of network privileges;

4. Suspension of computer privileges;

5. Revocation of computer privileges;

6. Suspension from employment;

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

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

Decisions of the Executive Director may be appealed in accordance with the appropriate employee grievance procedure.

Issued: 24 October 2019

R 4352 SEXUAL HARASSMENT OF SUPPORT STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Trustees. The Executive Director and school staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.

3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member'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 staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct

a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Principal, their immediate supervisor or the Affirmative Action Officer.

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

c. A report to the school Principal or an immediate supervisor will be forwarded to the school Affirmative Action Officer within one working day, even if the school Principal or immediate supervisor feels sexual harassment conduct was not present.

d. In the event the report alleges conduct by the Principal or the Affirmative Action Officer, the Executive Director will designate a school official to assume the Principal's or Affirmative Action Officer's responsibilities, as outlined in Policy 4352 and this Regulation.

2. Affirmative Action Officer's Investigation

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

b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.

c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.

e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation 4352 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

g. The Affirmative Action Officer and/or Executive Director will contact law enforcement agencies if there is potential criminal conduct by any party.

h. The school administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.

i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.

3. Investigation Results

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

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

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

d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the Executive Director shall take steps to eliminate the hostile environment. The school may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.

f. In some situations, the school may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.

g. The Executive Director will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.

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

4. Affirmative Action Officer's Investigation Appeal Process

a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Executive Director. The Executive Director will make his/her determination within ten working days of receiving the appeal.

b. Any person who is not satisfied with the Executive Director's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Executive Director's determination.

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R 4425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – SUPPORT STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the Human Resources Manager, the school's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office and in the Coordinator's office.

2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or the workers' compensation physician.

   a. In the event the injury requires immediate medical treatment, the staff member may be directed to the workers' compensation physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.

   b. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:

      (1) Go to the hospital emergency room; and

      (2) Notify their immediate supervisor as soon as possible after the injury.

   c. In the event the injured staff member goes to the hospital emergency room when school is closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.

d. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:

(1) Immediately notify their immediate supervisor; and

(2) Notify the Coordinator's office the next business day.

3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.

a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.

4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.

5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.

B. Physician's Workers' Compensation Examination and Evaluation

1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school.

2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.



3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.

2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.

3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.

4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.

5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.

6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.

2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.

4. There is no restriction on the school location or the type of modified duties assigned to a staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.

5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.

2. Staff members are required to follow the Coordinator's directives regarding:

   a. Job assignments and tasks;

   b. Attending scheduled doctors' appointments; and

   c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable Federal and State laws and in accordance with provisions of collective bargaining agreements within the school.

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R 4432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this school will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:

   a. Personal disability due to the employee's illness or injury;

   b. The employee's exclusion from school by the school's medical authorities on account of a contagious disease; or

   c. The employee's having been quarantined for a contagious disease in his/her immediate household.

2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:

   a. Has engaged in or prepared for gainful employment with an employer other than the Board;

   b. Has participated in a concerted work stoppage; or

   c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Absence Reporting

1. Staff members who are unable to report for work due to illness, or expect to be late, must telephone their Principal before the scheduled start of the workday or as soon thereafter as is possible. Staff members shall provide the specific reason for the absence or delay. This policy applies for each day of the absence; unless it is determined the absence will be an extended one.

2. In addition to the above, all staff members must call the school's main phone number, by 7:00 a.m. of their scheduled work day if they are unable to report to work, so that office staff can arrange for substitute coverage.

3. A lesson plan should be in place for the substitute in case of absence. All staff members must maintain an emergency substitute file. This file will be kept in the office of the Principal. These plans should provide student work for three days and should be updated periodically to reflect current academic performance.

4. A staff member who arrives more than one hour past the contracted arrival time, may be charged for one half of a personal day.

C. Excessive absence or lateness may result in disciplinary measures up to and including termination.

D. Records

1. The personnel file of each person employed by this school will include an accurate record of the employee's attendance in accordance with Policy 4212.

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

3. The attendance record will include the accumulated unused sick leave in the employee's sick leave bank.

Issued: 24 October 2019

R 5000 STUDENTS

Number	Title
R 5200	Attendance (M)
R 5300	Automated External Defibrillators (AEDs) (M)
R 5310	Health Services (M)
R 5320	Immunization
R 5330	Administration of Medication (M)
R 5330.01	Administration of Medical Marijuana (M)
R 5330.04P	Administering an Opioid Antidote – APSSD (M)
R 5331	Management of Life-Threatening Allergies in School (M)
R 5338	Diabetes Management (M)
R 5350P	Student Suicide Prevention – APSSD (M)
R 5500	Expectations for Student Conduct
R 5513	Care of School Property (M)
R 5530P	Substance Abuse - APSSD (M)
R 5533	Student Smoking
R 5561P	Use of Physical Restraint and Seclusion Techniques for Students with Disabilities - APSSD (M)
R 5610	Suspension Procedures (M)
R 5611P	Removal of Students for Firearms Offenses - APSSD (M)
R 5612P	Assaults on Board Members or Employees - APSSD (M)
R 5613P	Removal of Students for Assaults with Weapons Offenses - APSSD (M)
R 5750	Equal Educational Opportunity Complaint Procedure (M)
R 5751	Sexual Harassment of Students (M)

R 5200 ATTENDANCE

A. Definitions

1. For the purposes of school attendance, a "day in session" shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes, and inclement weather shall not be considered as days in session.

2. A "school day" shall consist of not less than four hours.

3. "A day of attendance" shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.

   a. Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.

4. A "half-day class" shall be considered the equivalent of a full day's attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.

B. Attendance Recording

1. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.

2. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.

3. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.

4. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.

5. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.

6. The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

7. A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

C. Unexcused Absences That Count Toward Truancy/Excused Absences

1. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined below.

2. "An excused absence" is a student's absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:

   a. The student's illness supported by notification to the school by the student's parent;

   b. The student's required attendance in court;

   c. Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;

   d. The student's suspension from school;



e. Family illness or death supported by notification to the school by the student's parent;

f. Visits to post-secondary educational institutions;

g. Examination for a driver's license;

h. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;

i. Take Our Children to Work Day;

j. An absence considered excused by a New Jersey Department of Education rule.

3. "Truancy" means ten or more cumulative unexcused absences that count toward truancy of a student between the ages of six and sixteen as determined by the Board's Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.2. above shall be an unexcused absence counted toward truancy.

D. Notice to School of a Student's Absence

1. If a student expects to be absent, his/her parent should:

a. Notify Essex Valley School at 973-244-7890;

b. Notify the bus company and the Child Study Team of the school district to inform them of the expected absence.

2. The parent of a student absent from school will be called, unless he/she notifies the school in advance.

3. Following an absence, each student returning to school is to report to the Main office with a written note from the parent indicating the reason for his/her absence. The office will record the information verifying the absence as excused or unexcused. Unexcused absences will result in "0" points for the day and will impact the point card.

4. When a student is absent from school for five consecutive days or for a total of ten days, a written notice will be sent to the student's Child Study Team and the parent. Excessive absences may result in the lowering of an academic grade and loss of credit. Students having between eleven and nineteen unexcused absences in the marking period cannot earn a grade higher than a "D". Students having twenty or more unexcused absences in the marking period cannot earn a grade higher than an "F".

E. Readmission to School After an Absence

1. A student returning from an absence of any length of time must provide a written statement that is dated and signed by the parent or adult student listing the reason for the absence.

2. A note explaining a student's absence for a noncommunicable illness for a period of more than five school days must be accompanied by a physician's statement of the student's illness with medical clearance to return to school.

3. A student who has been absent by reason of having or being suspected of having a communicable disease must present to the school nurse written evidence of being free of communicable disease, in accordance with Policy 8451.

F. Instruction

1. Teachers shall cooperate in the preparation of home assignments for students who anticipate an excused absence of five school days duration. The parent or student must request such home assignments.

2. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.

3. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.

4. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up missed work.

5. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.

G. School Response To Unexcused Absences During the School Year That Count Toward Truancy

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:

   a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;

   b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;

   c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;

   d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potentially missing or abused child situation is detected; and

   e. Cooperate with law enforcement and other authorities and agencies, as appropriate.

2. 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.

3. 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.

   a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.

      (1) The sending school district shall proceed in accordance with the Board's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv., as appropriate.

H. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.

2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy and Regulation 5200.

3. A report card will record the number of times the student was absent and tardy in each marking period.

4. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

I. Attendance Records

1. Attendance records for the school will be maintained and attendance rates will be calculated as required by the New Jersey Department of Education. The school will comply with all attendance requirements and any improvement plans as required by the Department of Education.

Adopted: 24 October 2019

R 5300 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

A. Automated External Defibrillator (AED)

1. The school shall have an AED as defined in N.J.S.A. 2A:62A-24.

2. For the purposes of this Policy and Regulation, "automated external defibrillator" or "defibrillator" or "AED" means a medical device heart monitor and defibrillator that:

   a. Has received approval of its pre-market notification filed pursuant to 21U.S.C.§360(k) from the United States Food and Drug Administration;

   b. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

   c. Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

B. Location and Availability of AED

1. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign.

2. 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.

3. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.

C. Training Requirements for Using an AED

1. 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.

a. The school shall be deemed to be in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

2. Prior to using an AED a school employee must have successfully completed and hold a current certification 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 the use of an AED.

a. The Board of Trustees shall not be liable for any act or omission of any lay person who uses the defibrillator in the rendering of emergency care.

3. Each AED shall be maintained and tested according to the manufacturer's operational guidelines.

4. The Principal or designee shall notify the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider that the school has acquired an AED, the type acquired, and its location.

5. Prior to purchasing an AED, the Executive Director or designee will provide the prescribing licensed physician with documentation that the school has a protocol in place to comply with the requirements of 2., 3., and 4. above.

D. Immunity from Civil Liability

1. Any person who uses an AED shall request emergency medical assistance from the appropriate first aid, ambulance, or rescue squad as soon as practicable. However, a lay person who, in good faith, fails to request such emergency medical assistance shall be immune from civil liability for any personal injury that results from that failure.

2. 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.

a. Any person or entity who, in good faith, acquires or provides an AED, renders emergency care or treatment by the use of an AED, assists in or supervises the emergency care or treatment by the use of an AED, attempts to use an AED for the purpose of rendering emergency care or

treatment, and who has complied with the requirements of Policy and Regulation 5300, N.J.S.A. 18A:40-41.a and b, and N.J.S.A. 2A:62A-23 through 2A:62A-27 shall be immune from civil liability for any personal injury as a result of that care or treatment, or as a result of any acts or omissions by the person or entity in providing, rendering, assisting in, or supervising the emergency care or treatment.

b. A person or entity providing or maintaining an AED shall not be liable for any act or omission involving the use of an AED in the rendering of emergency care by a lay person.

3. The immunity provided in 2. above shall include the prescribing licensed physician and the person or entity who provided training in cardio-pulmonary resuscitation and use of the AED.

4. N.J.S.A. 2A:62A-27 shall not immunize a person for any act of gross negligence or willful or wanton misconduct. It shall not be considered gross negligence or willful or wanton misconduct to fail to use a defibrillator in the absence of an otherwise pre-existing duty to do so.

E. Emergency Action Plan

1. 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.

a. 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 in the school building 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 the AED. This list shall be updated, if necessary, at least once in each semester of the school year.

b. The Emergency Action Plan shall also include detailed procedures on responding to a sudden cardiac event including, but not limited to:

(1) The identification of the persons in the school who will be responsible for responding to the person experiencing the sudden cardiac event;

(2) Calling 911;

(3) Starting cardio-pulmonary resuscitation;

(4) Retrieving and using the AED; and

(5) Assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Issued: 24 October 2019

R 5310 HEALTH SERVICES

A. Definitions – N.J.A.C. 6A:16-1.3

1. Advanced practice nurse (APN) – means a person who holds a current license as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

2. Certified school nurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Certificate, school nurse or school nurse/non-instructional endorsement from the Department of Education pursuant to N.J.A.C. 6A:9B-12.3 and 12.4.

3. Medical home – means a health care provider, including New Jersey FamilyCare providers as defined by N.J.S.A. 30:4J-12 and the provider's practice site chosen by the student's parent for the provision of health care.

4. Non-certified nurse – means a person who holds a current license as a professional nurse from the State Board of Nursing and is employed by a Board of Trustees or nonpublic school, and who is not certified as a school nurse by the Department of Education.

5. Parent – means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

6. Physician assistant (PA) – means a health care professional licensed to practice medicine with physician supervision.

7. Physical examination – means the examination of the body by a professional licensed to practice medicine or osteopathy, or an advanced practice nurse, or physician assistant. The term includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

8. School physician – means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Examiners who works under a contract or as an employee of the school. The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

B. Medical Examinations – General Conditions

1. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school shall provide the examination at the school physician's office or other comparably equipped facility pursuant to N.J.S.A. 18A:40-4.

2. The findings of required examinations under D. through G. below shall include the following components:

   a. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.24;

   b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;

   c. Health screenings including height, weight, hearing, blood pressure, and vision; and

   d. Physical examinations.

3. Each school shall have available and maintain an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41a.a(1) and (3), that is:

   a. In an unlocked location on school property, with an appropriate identifying sign;

   b. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school or nonpublic school are participating; and

   c. Within a reasonable proximity of the school athletic field or gymnasium, as applicable.

4. The Board of Trustees shall make accessible information regarding the New Jersey FamilyCare Program for students who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

5. Pursuant to N.J.S.A. 18A:40-4.4, a student who presents a statement signed by his/her parent that required examinations interfere with the free exercise of his/her religious beliefs shall be examined only to the extent necessary to determine whether the student is ill or infected with a communicable disease or under the influence of alcohol or drugs or is disabled or is fit to participate in any health, safety, or physical education course required by law.



6. 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.

C. Medical Examinations - Prior to Participation on a School-Sponsored Interscholastic or Intramural Team or Squad for Students Enrolled in Any Grades Six to Twelve

1. The school shall ensure that students receive medical examinations prior to participation on a school-sponsored interscholastic or intramural team or squad for students enrolled in any grades six to twelve. The examination shall be conducted within 365 days prior to the first day of official practice session in an athletic season and shall be conducted by a licensed physician, APN, or PA.

2. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf in accordance with N.J.S.A. 18A:40-41.7.

a. Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41d.

(1) If the PPE form is submitted without the signed certification statement and the school has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.

b. The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.

c. An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.

3. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire shall include information listed below as required by N.J.S.A. 18A:40-41.7.b. The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:

a. Been advised by a licensed physician, APN, or PA not to participate in a sport;

b. Sustained a concussion, been unconscious, or lost memory from a blow to the head;

c. Broken a bone or sprained, strained, or dislocated any muscles or joints;

d. Fainted or blacked out;

e. Experienced chest pains, shortness of breath, or heart racing;

f. Had a recent history of fatigue and unusual tiredness;

g. Been hospitalized, visited an emergency room, or had a significant medical illness;

h. Started or stopped taking any over the counter or prescribed medications; or

i. Had a sudden death in the family, or whether any member of the student's family under the age of fifty has had a heart attack or heart trouble.

4. The school shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.



5. The Board of Trustees will not permit a student enrolled in grades six to twelve to participate on a school-sponsored interscholastic or intramural team or squad unless the student submits a PPE form signed by the licensed physician, APN, or PA who performed the physical examination and, if applicable, a completed health history update questionnaire, pursuant to N.J.S.A. 18A:40-41.7.c.

6. The school shall distribute to a student-athlete and his or her parent the sudden cardiac arrest pamphlet developed by the Commissioner of Education, in consultation with the Commissioner of Health, the American Heart Association, and the American Academy of Pediatrics, pursuant to N.J.S.A. 18A:40-41.

   a. A student-athlete and his or her parent annually shall sign the Commissioner-developed form that they received and reviewed the pamphlet, and shall return it, to the student's school pursuant to N.J.S.A. 18A:40-41.d.

   b. The Commissioner shall update the pamphlet, as necessary, pursuant to N.J.S.A. 18A:40-41.b.

   c. The Commissioner shall distribute the pamphlet, at no charge, to all schools and nonpublic schools, pursuant to N.J.S.A. 18A:40-41.b.

D. Medical Examinations - Upon Enrollment in School

1. The school shall ensure that students receive medical examinations upon enrollment in school. The school requires a parent to provide within thirty days of enrollment entry-examination documentation for each student.

2. When a student transfers to another school, the sending school shall ensure the entry-examination documentation is forwarded to the receiving school pursuant to N.J.A.C. 6A:16-2.4(d).

3. Students transferring into this school from out-of-State or out-of-country may be allowed a thirty-day period to obtain entry-examination documentation.

4. The school shall notify parents through its website or other means about the importance of obtaining subsequent medical examinations of the student at least once during each developmental stage: at early childhood (pre-school through grade three), pre-adolescence (grades four through six), and adolescence (grades seven through twelve).

E. Medical Examinations - When Students Apply for Working Papers

1. Pursuant to N.J.S.A. 34:2-21.7 and 34:2-21.8(3) the school may provide for the administration of a medical examination for a student pursuing a certificate of employment.

2. The school shall not be held responsible for the costs for examinations at the student's medical home or other medical provider(s).

F. Medical Examinations - For the Purposes of the Comprehensive Child Study Team Evaluation Pursuant to N.J.A.C. 6A:14-3.4

1. The school shall ensure that students receive medical examinations for the purposes of the comprehensive Child Study Team evaluation pursuant to N.J.A.C. 6A:14-3.4.

G. Medical Examinations - When a Student is Suspected of Being Under the Influence of Alcohol or Controlled Dangerous Substances pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3

1. If a student who is suspected of being under the influence of alcohol or controlled dangerous substances is reported to the certified school nurse, the certified school nurse shall monitor the student's vital signs and general health status for emergent issues and take appropriate action pending the medical examination pursuant to N.J.A.C. 6A:16-4.3.

2. No school staff shall interfere with a student receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances pursuant to N.J.A.C. 6A:16-4.3.

H. Health Screenings

The Board of Trustees shall ensure that students receive health screenings in accordance with N.J.A.C. 6A:16-2.2(l).

1. Screening for height, weight, and blood pressure shall be conducted annually for each student in grade five through age twenty-one.

2. Screening for visual acuity shall be conducted biennially for students in grade five through grade ten.

3. Screening for auditory acuity shall be conducted for students in grades seven and eleven pursuant to N.J.S.A. 18A:40-4.

4. Screening for scoliosis shall be conducted biennially for students between the ages of ten and eighteen pursuant to N.J.S.A. 18A:40-4.3.

5. Screenings shall be conducted by a school physician, school nurse, or other school personnel properly trained.

6. The school shall notify the parent of any student suspected of deviation from the recommended standard.

R 5320 IMMUNIZATION

A. Immunizations on Admission

1. No Principal shall knowingly admit or retain any student who has not submitted acceptable evidence of immunization according to the schedule set forth in section E, unless the student is provisionally admitted as provided in paragraph A.2. or exempted as provided in section B., N.J.A.C. 8:57-4.3, and 8:57-4.4.

2. A student shall be admitted to preschool or school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the student is in the process of receiving the remaining immunizations.

   a. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).

   b. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c).

   c. Provisional status shall only be granted one time to students entering or transferring into schools in New Jersey. If a student on provisional status transfers, information on their status will be sent by the original school to the new school. Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.

   d. Students transferring into this school from another State or country shall be allowed a thirty day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty day grace period does not apply to students transferring from within the State of New Jersey.

   e. The Principal or designee shall ensure the provisionally admitted student is receiving required immunizations on schedule. If the student has not completed the immunizations at the end of the provisional period, the Principal shall exclude the student from school until appropriate documentation of completion has been presented.

f. Students on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or his/her designee.

B. Exemptions from Immunization

1. A student shall not be required to have any specific immunization(s) that are medically contraindicated.

a. A written statement from any physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based on valid reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) standards or the American Academy of Pediatrics (AAP) guidelines, will exempt a student from the specific immunization requirements by law for the period of time specified in the physician's statement.

b. The physician's or an advanced practice nurse's (certified registered nurse practitioner or clinical nurse specialist) statement shall be retained by the school as part of the immunization record of the student and shall be reviewed annually.

c. When the student's medical condition permits immunization, this exemption shall thereupon terminate, and the student shall be required to obtain the immunizations from which he/she has been exempted.

2. A student shall be exempted from mandatory immunization if the parent(s) or legal guardian(s) submits a signed statement that explains how the administration of immunizing agents conflicts with the student's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.

a. The written statement signed by the parent(s) or legal guardian(s) will be kept by the school as part of the student's immunization record.



b. Students enrolled in school before September 1, 1991 and who have previously been granted a religious exemption to immunization, shall not be required to reapply for a new religious exemption under N.J.A.C. 8:57-4.4(a).

3. Students exempted on medical or religious grounds may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or designee.

C. Documentation of Immunization

1. Any of the following documents shall be accepted as evidence of a student's immunization history, provided that the document lists the type of immunization and the specific date (month, day and year) when each immunization was administered.

a. An official school record from any school or preschool indicating compliance with immunization requirements,

b. A record from any public health department indicating compliance with immunization requirements,

c. A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist) in any jurisdiction in the United States indicating compliance with immunization requirements, or

d. The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements.

2. All immunization records submitted by a parent(s) or legal guardian(s) in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of this regulation.

3. Parental verbal history or recollection or previous immunization is unacceptable documentation or evidence of immunization.



D. Immunization Records

1. The school shall maintain an official State of New Jersey Immunization Record for every student which shall include the date of each individual immunization.

   a. When a child withdraws, is promoted, or transfers to another school, preschool or child care center, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school by the original school or shall be given to the parent(s) or legal guardian(s) upon request, within twenty-four hours of such a request.

   b. The immunization record shall be kept separate and apart from the student's other medical records for the purpose of immunization record audit.

   c. Child care centers, preschools, and elementary schools are to retain immunization records, or a copy thereof, for at least one year after the student has left the school. For children who are promoted from elementary to middle school or from middle school to high school within the same school system, this record retention requirement is not applicable in accordance with Department of Education rules and policies on transfer of student records.

   d. Each student's immunization record, or a copy thereof, shall be retained by a secondary school for a minimum of four years after the student graduates from the secondary school.

   e. When a student graduates from secondary school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) or legal guardian(s) upon request.

   f. Any computer-generated document or list developed to record immunization information shall be considered a supplement to, not a replacement of, the official New Jersey Immunization Record.

2. A report of the immunization status of the students in the school shall be sent each year to the State Department of Health and Senior Services by the Principal or other person in charge of a school. The form for the report will be provided by the State Department of Health and Senior Services. The report shall be submitted by January 1 of the respective academic year. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located. Failure by the school to submit such report by January 1 may result in a referral to the New Jersey Department of Education and the local health department.

3. The Principal or other person in charge of a school shall make immunization records available for inspection by authorized representatives of the State Department of Health and Senior Services or the local Board of Health in whose jurisdiction the school is located, within twenty-four hours of notification.

E. Immunization Requirements

1. The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:

MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
DTaP	(AGE 1-6 YEARS): 4 doses, with one dose given on or after the 4th birthday, OR any 5 doses. (AGE 7-9 YEARS): 3 doses of Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.	Any child entering pre-school, pre-Kindergarten, or Kindergarten needs a minimum of four doses. Students after the seventh birthday should receive adult type Td. DTP/Hib vaccine and DTaP also valid DTPdoses. Laboratory evidence of immunity is also acceptable.
Tdap	GRADE 6 *(or comparable age level special education program with an unassigned grade)*: 1 dose	For students entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.

DISEASE(S)	REQUIREMENTS	COMMENTS
POLIO	(AGE 1-6 YEARS): 3 doses, with one dose given on or after the 4th birthday, OR any 4 doses. (AGE 7 or OLDER): Any 3 doses.	Either Inactivated Polio Vaccine(IPV) or Oral Polio Vaccine (OPV) separately or in combination is acceptable. Polio vaccine is not required of students 18 years of age or older. Laboratory evidence of immunity is also acceptable.
MEASLES	If born before 1-1-90, 1 dose of a live Measles-containing vaccine. If born on or after 1-1-90, 2 doses of a live Measles-containing vaccine. If entering a college or university after 9-1-95 and previously unvaccinated, 2 doses of a live Measles-containing vaccine.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs a minimum of 1 dose of measles vaccine. Any child entering Kindergarten needs 2 doses. Previously unvaccinated students entering college after 9-1-95 need 2 doses of measles-containing vaccine or any combination containing live measles virus administered after 1968. Documentation of 2 prior doses is acceptable. Laboratory evidence of immunity is also acceptable. Intervals between first and second measles/MMR/MR doses cannot be less than 1 month.

DISEASE(S)	REQUIREMENTS	COMMENTS
RUBELLA and MUMPS	1 dose of live Mumps-containing vaccine. 1 dose of live Rubella-containing vaccine.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs 1 dose of rubella and mumps vaccine. Each student entering college for the first time after 9-1-95 needs 1 dose of rubella and mumps vaccine or any combination containing live rubella and mumps virus administered after 1968. Laboratory evidence of immunity is also acceptable.
VARICELLA	1 dose on or after the first birthday.	All children 19 months of age and older enrolled into a child care/pre-school center after 9-1-04 or children born on or after 1-1-98 entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level special education program with an unassigned grade, need 1 dose of varicella vaccine. Laboratory evidence of immunity, physician's statement or a parental statement of previous varicella disease is also acceptable.
HAEMOPHILUS INFLUENZAE B (Hib)	(AGE 2-11 MONTHS)[(1)]: 2 doses (AGE 12-59 MONTHS)[(2)]: 1 dose	Mandated only for children enrolled in child care, pre-school, or pre-Kindergarten. [(1)] Minimum of 2 doses of Hib vaccine is needed if between the ages of 2-11 months. [(2)] Minimum of 1 dose of Hib vaccine is needed after the first birthday. DTP/Hib and Hib/Hep B also valid Hib doses.

DISEASE(S)	REQUIREMENTS	COMMENTS
HEPATITIS B	(K-GRADE 12): 3 doses or 2 doses [(1)]	[(1)] If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation. Laboratory evidence of immunity is also acceptable.
PNEUMOCOCCAL	(AGE 2-11 MONTHS)[(1)]: 2 doses (AGE 12-59 MONTHS)[(2)]: 1 dose	Children enrolled in child care or pre-school on or after 9-1-08. [(1)] Minimum of 2 doses of Pneumococcal vaccine is needed if between the ages of 2-11 months. [(2)] Minimum of 1 dose of Pneumococcal vaccine is needed on or after the first birthday.
MENINGOCOCCAL	(Entering GRADE 6 *(or comparable age level Special Ed program with an unassigned grade)*: 1 dose [(1)] (Entering a four-year college or university, previously unvaccinated and residing in a campus dormitory): 1 dose [(2)]	[(1)] For students entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. [(2)] Previously unvaccinated students entering a four-year college or university after 9-1-04 and who reside in a campus dormitory, need 1 dose of meningococcal vaccine. Documentation of one prior dose is acceptable.
INFLUENZA	(AGES 6-59 MONTHS): 1 dose ANNUALLY	For children enrolled in child care, pre-school or pre-Kindergarten on or after 9-1-08. 1 dose to be given between September 1 and December 31 of each year.

AGE APPROPRIATE VACCINATIONS (FOR LICENSED CHILD CARE CENTERS/PRE-SCHOOLS)	
CHILD'S AGE	NUMBER OF DOSES CHILD SHOULD HAVE (BY AGE):
2-3 Months	1 dose DTaP, 1 dose Polio, 1 dose Hib, 1 dose PCV7
4-5 Months	2 doses DTaP, 2 doses Polio, 2 doses Hib, 2 doses PCV7
6-7 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
8-11 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
12-14 Months	3 doses DTaP, 2 doses Polio, 1 dose Hib, 2-3 doses PCV7, 1 dose Influenza
15-17 Months	3 doses DTaP, 2 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose PCV7, 1 dose Influenza
18 Months – 4 Years	4 doses DTaP, 3 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose Varicella, 1 dose PCV7, 1 dose Influenza

PROVISIONAL ADMISSION:
Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Students must be actively in the process of completing the series. If a student is less than 5 years of age, they have 17 months to complete the immunization requirements.
If a student is 5 years of age and older, they have 12 months to complete the immunization requirements.

GRACE PERIODS:
• 4-day grace period: All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or child care facility.
• 30-day grace period: Those children transferring into a New Jersey school, pre-school, or child care center from out of State/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

F. Emergency Powers of the Commissioner of Health and Senior Services

1. If a threatened outbreak, or outbreak of disease, or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, all students with provisional, religious, or medical exemptions (which relate to the specific disease threatening or occurring) shall be excluded from school. If these students become immunized or produce serologic evidence of immunity to the specific disease the student may immediately be readmitted to school.

2. If a threatened outbreak, or outbreak of disease or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.

   a. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in N.J.A.C. 8:57-4.22(c).

3. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement in accordance with the reasons as outlined in N.J.A.C. 8:57-4.22(d).

R 5330 ADMINISTRATION OF MEDICATION

A. Definitions

1. "Medication" means any prescription drug or over-the-counter medicine or nutritional supplement and includes, but is not limited to, aspirin and cough drops.

2. "Administration" means the taking of any medication by ingestion, injection, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, or applying medication.

3. "Self-administration" means carrying and taking medication without the intervention of the school nurse, approved through the school policy and restricted to students with asthma, other potentially life-threatening illnesses or life-threatening allergic reaction.

4. "Life-threatening illness" means an illness or condition that requires an immediate response to specific symptoms or sequelae (an after effect of disease or injury) that if left untreated may lead to potential loss of life, i.e. adrenaline injection in anaphylaxis.

5. "A pre-filled auto-injector mechanism containing epinephrine" is a medical device used for the emergency administration of epinephrine to a student for anaphylaxis.

6. "Noncertified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by the school, and who is not certified as a school nurse by the Department of Education.

7. "Substitute school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse.

8. "School physician" means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of the school. This physician is referred to as the medical inspector.



9. "Advanced practice nurse" means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

10. "Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Certificate with a school nurse endorsement or school nurse/non-instructional from the Department of Education.

B. Permission for Administration by a School Nurse or Registered Nurse

1. Permission for the administration of medication in school or at school-related events will be given only when it is necessary for the health and safety of the student.

2. Medication will not be administered to a student who is physically unfit to attend school or has a contagious disease. Any such student should not be permitted to attend school and may be excluded in accordance with Policy 8451.

3. Parent requests for the administration of medication in school must be made in writing and signed by the parent.

4. The parent must submit a certified statement written and signed by the student's physician. The statement must include:

   a. The student's name;

   b. The name of the medication;

   c. The purpose of its administration to the student for whom the medication is intended;

   d. The proper timing and dosage of medication;

   e. Any possible side effects of the medication;

   f. The time when the medication will be discontinued;

   g. A statement that the student is physically fit to attend school and is free of contagious disease; and

   h. A statement that the student would not be able to attend school if the medication is not administered during school hours.

5. The request for the administration of medication must be made to the Principal prior to any administration of medication or delivery of the medication to the school. The Principal may consult with the school nurse and the school physician in making his/her final determination to allow or deny the request.

   a. An approved request will be signed by the Principal and given to the school nurse and the student's parent.

   b. The parent will be informed of the reason for a denied request; a denied request may be appealed to the Principal.

C. Administration of Epinephrine to Students

1. The parent may provide the Principal authorization for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to a student for anaphylaxis provided:

   a. The parent provides the Principal a written authorization for the administration of epinephrine with written orders from the physician or an advanced practice nurse that the student requires the administration of epinephrine for anaphylaxis.

   b. The school nurse has the primary responsibility for the administration of epinephrine. However, the school nurse shall designate, in consultation with the Board or Principal, additional employees of the school who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a student when the school nurse is not physically present at the scene. These volunteers shall be trained using standardized training protocols established by the New Jersey Department of Education in consultation with the Department of Health and Senior Services. The student's parent must consent in writing to the administration of epinephrine via a pre-filled auto-injector mechanism by the designee(s).

   c. The parent must be informed in writing by the Board or Principal that the school and its employees or agents shall have no liability as a result of any injury to a student arising from the administration of epinephrine via a pre-filled auto-injector mechanism.

d. The parent must sign a statement acknowledging their understanding the school shall incur no liability as a result of any injury arising from the administration of epinephrine via a pre-filled auto-injector mechanism to the 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 epinephrine via a pre-filled auto-injector mechanism to the student.

e. The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism is effective for the school year it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above.

f. The school nurse shall be responsible for the placement of the student's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and trained designees to ensure prompt availability in the event of an allergic emergency at school or at a school function. The location of the epinephrine shall be indicated on the student's emergency care plan. Back-up epinephrine shall also be available at the school if needed.

g. The school nurse or trained designee shall be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction.

h. The school nurse or trained designee shall arrange for the transportation of the student to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.

i. The school nurse or a designated employee trained to administer epinephrine via a pre-filled auto-injector mechanism is permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis or to any student whose parent has not met the requirements outlined above when the school nurse or trained designee in good faith believes the student is having an anaphylactic reaction.

j. Each school will maintain in a secure, but unlocked and easily accessible location, a supply of epinephrine auto-injectors prescribed under a standing order from a licensed physician, and that is accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.



D. Permission for Self-Administration of Medication

Permission for self-administration of medication of a student with asthma, other potentially life-threatening illness, or a life-threatening allergic reaction may be granted under the following conditions:

1. Parent of the student must provide the Board written authorization for the self-administration of medication;

2. The parent of the student must also provide the Board with a signed written certification from the physician of the student that the student has asthma or another potentially life threatening illness or is subject to a life-threatening allergic reaction and is capable of, and has been instructed in, the proper method of self-administration of medication. The written certification must include:

   a. The student's name;

   b. The name of the medication;

   c. The purpose of its administration to the student for whom the medication is intended;

   d. The proper timing and dosage of medication;

   e. Any possible side effects of the medication;

   f. The time when the medication will be discontinued;

   g. A statement that the student is physically fit to attend school and is free of contagious disease; and

   h. A statement the medication must be administered during the school day or the student would not be able to attend school.

3. The parent of the student have signed a statement acknowledging that the school shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parent shall indemnify and hold harmless the school, the Board, and its employees or agents against any claims arising out of the self-administration of medication by the student;

4. The parent's written authorization and the physician's written certification shall be reviewed by the Principal or designee with the school nurse and the school physician. The school nurse and the school physician must agree the student is capable of self-administration of the medication. If it is determined the student may self-administer medication in accordance with the request:

   a. The request will be signed by the Principal and given to the school nurse and the student's parent;

   b. The parent will be informed of the reason for a denied request; a denied request may be appealed to the Principal.

5. Permission to self-administer one medication shall not be construed as permission to self-administer other medication; and

6. Permission shall be effective on the school year for which it is granted and shall be renewed for each subsequent school year upon fulfillment of the requirements in 1. through 4. above.

E. Custodianship of Medication

1. Medications to be administered by the school nurse or a registered nurse:

   a. All medications must be delivered to the school by the parent.

   b. All medications must be in the original container, with the prescription information affixed.

   c. The school nurse shall be custodian of students' medication, which will be properly secured.

   d. Any unused medication must be picked up by the student's parent.

   e. After reasonable efforts to have the parent retrieve the medication have failed, any unused medication that remains in the school at the end of the school year or two school weeks after the student stops taking the medication, whichever first occurs, must be destroyed or discarded by the school nurse, in accordance with proper medical controls.



2. Medications to be self-administered by a student:

   a. Time being of the essence in cases of asthma, other potentially life threatening illness, or a life-threatening allergic reaction, all medications to be self-administered by a student must be kept in the student's possession.

   b. No student may possess medication for self-administration unless the proper permission has been granted by the Principal and a record of the medication is on file in the office of the school nurse.

   c. Students who are permitted to self-administer medications must secure their medication in such a manner that the medication will not be available to other students. The medication must be in a sealed container and clearly labeled with the medication name, dosage, and ordering physician. The medication, if ingested by someone other than the student, shall not cause severe illness or death.

   d. Students who are permitted to self-administer medications shall only have in their possession the quantity of medication necessary for the time period of the student's school day.

   e. Notwithstanding any other law or regulation, a student who is permitted to self-administer medication in accordance with the provisions of N.J.S.A. 18A:40-12.3 shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, at all times, provided the student does not endanger himself or other persons through misuse.

F. Administration of Medication

1. No medication shall be administered to or taken by a student in school or at a school-sponsored event except as permitted by Board policy and this regulation.

2. 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, a student who is approved to self-administer, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency.



3. When practicable, self-administration of medication should be observed by the school nurse.

4. Students self-administering medication shall report each administration of medication and any side effects to a teacher, coach, or the individual in charge of the student during school activities. Such individuals shall report all administrations and any side effects reported or observed to the school nurse within twenty-four hours.

5. When a student attends a school-sponsored event at which medication may be required (such as an outdoor field trip or athletic competition) and the school nurse cannot be in attendance, the student's parent will be invited to attend. If neither the school nurse nor the parent can attend and the student does not have permission to self-administer medication and there is a risk that the student may suffer injury from lack of medication, the student may be excused from the event.

G. Emergencies

1. Any medical emergency requiring medication of students will be handled in accordance with Board Policy and implementing regulations on first aid and, as appropriate, the school physician's standing orders for school nurses. Arrangements will be made to transport a student to a hospital emergency room after the administration of epinephrine.

2. Nothing in N.J.S.A. 18A:40-12.6 prohibits the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a student for anaphylaxis by the school nurse or other trained designated employees when the student is authorized to self-administer epinephrine, or when there is a coexisting diagnosis of asthma, or when a prescription is received from a licensed health care professional for epinephrine coupled with another form of medicine, or when the epinephrine is administered.

H. Records

The school nurse shall include the following in a student's health record:

1. The approved written request for the administration or self-administration of medication;

2. A record of each instance of the administration of the medication by the school nurse or a registered nurse;



3. A record of reports by teachers, coaches, and other individuals in charge of school activities who report student self-administration of medication;

4. Any side effects that resulted from the administration of medication; and

5. Whether the supply of medication provided in cases where the medication is to be administered by the school nurse or a registered nurse was exhausted or the parent removed the medication or, if the parent failed to remove the medication, the medication was destroyed and the date on which that occurred.

I. Notification

1. The school nurse may provide the Principal and other teaching staff members concerned with the student's educational progress with information about the medication and administration when such release of information is in the student's best educational interest.

2. The school nurse will provide teachers, coaches, and other individuals in charge of school activities with a list of students who have been given permission to self-administer medication.

3. The school nurse will inform the student's parent of any difficulty in the administration of medication or any side effects.

4. The school nurse will report to the school physician any student who appears to be adversely affected by the medication.

Adopted: 24 October 2019

R 5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

A custodial parent, guardian, or person having legal custody of a student requesting the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

A. Definitions

For the purposes of this Policy:

1. "Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient's debilitating medical condition.

2. "Certification" means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician's authorization for the patient to apply for registration for the medical use of marijuana.

3. "Marijuana" has the meaning given in Section 2 of the "New Jersey Controlled Dangerous Substances Act," N.J.S.A. 24:21-2.

4. "Medical use of marijuana" means the acquisition, possession, transport, or use of marijuana or paraphernalia by a registered qualifying student patient as authorized by the New Jersey Compassionate Medical Marijuana Act (Act).

5. "Parent" means the custodial parent, guardian, or person who has legal custody of a qualifying student patient who may also be the primary caregiver registered and provided a Registry Identification Card by the New Jersey Department of Health to administer medical marijuana to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.

6. "Physician" means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a qualifying student patient's debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.

7. "Primary caregiver" or "caregiver" means a resident of the State who:

   a. Is at least eighteen years old;

   b. Has agreed to assist with a registered qualifying student patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient's physician;

   c. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;

   d. Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and

   e. Has been designated as primary caregiver on the qualifying student patient's application or renewal for a Registry Identification Card or in other written notification to the Department of Health.

8. "Qualifying student patient" means a resident of the State who is a student enrolled and attending school in this school who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.

9. "Qualifying patient" means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.

10. "Registry Identification Card" means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.

B. Registration – Qualifying Student Patient and Primary Caregiver

1. A qualifying student patient must be authorized to engage in the medical use of marijuana and the primary caregiver must be authorized to assist the qualifying student patient with the medical use of marijuana pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.



2. A qualifying student patient and their primary caregiver must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the New Jersey Department of Health.

3. The qualifying student patient's parent shall be responsible to immediately inform the Principal of any change in the status of the student's Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

4. The qualifying student patient's primary caregiver shall be responsible to immediately inform the Principal of any change in the status of any primary caregiver's Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

C. Submission for Authorization for Administration of Medical Marijuana

1. A 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 submit a written request to the Principal with a copy of a current New Jersey Department of Health Registry Identification Cards for the qualifying student patient and the primary caregiver and a copy of the physician's order or prescription indicating dosage information and the method of administration for the medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

   The Principal may request the parent provide additional documentation from the physician that the medical marijuana must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical marijuana cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.

   a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.

2. The Principal shall review the submitted Registry Identification Cards and supporting documentation with the school physician, the school nurse, and the Executive Director.



3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or primary caregiver, if the parent is not the primary caregiver, in writing with the following information:

   a. The location (school, office, etc.) where the primary caregiver shall report to administer the medical marijuana;

   b. The school staff member(s) who the primary caregiver must see to coordinate the administration of medical marijuana;

   c. The time the primary caregiver shall report to administer the medical marijuana;

   d. The specific location where the medical marijuana shall be administered to the student; and

   e. A copy of Policy and Regulation 5330.01 – Administration of Medical Marijuana.

4. In the event the Principal, after consultation with the school nurse, school physician, and Executive Director, has a question or concern regarding the Registry Identification Cards or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.

5. The administration of medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.

D. Administration of Medical Marijuana

1. The medical marijuana shall only be administered by the primary caregiver and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.

2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical marijuana cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.

3. The prescribed medical marijuana must always be in the possession of the primary caregiver and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.

4. The Principal, after consultation with the school nurse, school physician, and the Executive Director, will determine a specific location for the administration of the medical marijuana to the qualifying student patient.

    a. The Principal will designate a private area, if possible, for the primary caregiver to administer the medical marijuana to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.

5. The primary caregiver shall report to the approved location prior to the scheduled time for the administration of medical marijuana to the qualifying student patient. The primary caregiver must show the Registry Identification Card and a second form of identification which shall be a photograph identification.

6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the primary caregiver to the qualifying student patient at the designated time to the designated location for the administration.

7. The Principal may designate a school staff member to observe the administration of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event.

8. The primary caregiver shall assist in the administration of medical marijuana to the qualifying student patient in accordance with the method and dosage prescribed by the physician and included in the parent's request to the Principal.

9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.

10. The primary caregiver will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.



a. The qualifying student patient and/or primary caregiver may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.

11. The primary caregiver shall be responsible for the security of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical marijuana in their possession except during the administration process by the primary caregiver.

R 5330.04P ADMINISTERING AN OPIOID ANTIDOTE - APSSD

A. Definitions

1. "Opioid antidote" means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. "Opioid antidote" includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.

2. "Opioid overdose" means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.

3. "School-sponsored function" means any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.

B. Acquisition, Maintenance, Accessibility, and Documentation of an Opioid Antidote

1. The school nurse in a school that includes any of the grades designated by the Executive Director in Policy 5330.04P shall obtain a standing order for opioid antidotes pursuant to the "Overdose Prevention Act" - N.J.S.A. 24:6J-1 et seq.

2. The school nurse shall be responsible to:

a. Maintain a supply of opioid antidotes that have been prescribed under a standing order in a safe and secure, but unlocked and easily accessible location in the school:

(1) 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.

b. Document the administration of an opioid antidote on a student's health record;

c. Monitor the on-site inventory and replacement of the opioid antidote supply; and

d. Plan for the disposal of administered opioid antidote and expired opioid antidote.

3. Opioid antidotes shall be maintained by a school pursuant to N.J.S.A. 18A:40-12.24.b.(1) in quantities and types deemed adequate by the approved private school for students with disabilities (APSSD), in consultation with the New Jersey Department of Education (NJDOE) and the Department of Human Services.

C. Authorization and Training for Administering an Opioid Antidote

1. The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote.

2. However, the Executive Director shall designate additional employees who volunteer to administer an opioid antidote in the event that a person experiences an opioid overdose when the nurse is not physically present at the scene.

3. The school nurse and designated employees shall only be authorized to administer opioid antidotes after receiving the training required under N.J.S.A. 18A:40-12.25.b.

a. Each school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall receive training on standardized protocols for the administration of an opioid antidote to a person who experiences an opioid overdose. The training shall include the overdose prevention information described in the "Overdose Prevention Act" - N.J.S.A. 24:6J-5. The school will provide training by an appropriate entity or entities as specified by the NJDOE's guidelines. A school nurse shall not be solely responsible to train the employees designated pursuant to N.J.S.A. 18A:40-12.24.c.

4. In the event a licensed athletic trainer volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.23 through 12.27, it shall not constitute a violation of the "Athletic Training Licensure Act" - N.J.S.A. 45:9-37.35 et seq.



D. Administration of an Opioid Antidote

1. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be authorized to administer an opioid antidote to any person whom the nurse or trained employee in good faith believes is experiencing an opioid overdose.

   a. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) 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.

   b. Upon receiving a report or observing a possible opioid overdose in the school or at a school-sponsored function that takes place in a school or on school grounds adjacent to the school building at any time, the Principal or designee or any staff member present will immediately call the school nurse, if present, or a designated staff member who volunteered and was trained to administer an opioid antidote, and emergency medical responders.

2. A staff member shall keep the individual who may be experiencing an opioid overdose comfortable until emergency medical responders arrive on the scene.

3. 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.

4. The Principal or designee shall notify the Executive Director or designee whenever an opioid antidote is administered.

5. The Principal or designee shall notify, as soon as practical, the parent of any student or a family member or other contact person for a staff member who may be experiencing an opioid overdose or has been administered an opioid antidote.

E. Use of Controlled Dangerous Substances

1. Any student or staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of any applicable statutes and administrative codes and Board Policies and Regulations prohibiting the use of a controlled dangerous substance.

Issued: 24 October 2019

R 5331 MANAGEMENT OF LIFE-THREATENING ALLERGIES IN SCHOOL

A. Definitions

1. Anaphylaxis - A serious allergic reaction that is rapid in onset and may cause death.

2. Epinephrine (adrenaline) - A drug that can be successfully utilized to counteract anaphylaxis.

3. Food Allergy - A group of disorders characterized by immunologic responses to specific food proteins. In the United States, the most likely common allergens in adults and children are cow's milk, eggs, peanuts, wheat, soy, fish, shellfish, and nuts.

4. Individualized Emergency Healthcare Plan (IEHP) - A personalized healthcare plan written by the certified school nurse that specifies the delivery of accommodations and services needed by a student in the event of an emergency.

5. Individualized Healthcare Plan (IHP) - A plan written by the certified school nurse that details accommodations and/or nursing services to be provided to a student because of the student's medical condition based on medical orders written by a health care provider in the student's medical home.

6. School-Sponsored Function - Any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

B. Policy and Regulation Development

1. Policy and Regulation 5331 address different allergens, varying ages and maturity levels of students, and the physical properties and organizational structures of this school. The components below were critical in developing Policy and Regulation 5331.

   a. The school nursing staff, in consultation with the school physician, if needed:

      (1) Assessed the overall health needs of the student population at risk for anaphylaxis, particularly students with food allergies; and

(2) Assessed current and relevant policies and/or protocols regarding the care of students with life-threatening allergies and identified areas in need of development or improvement.

2. Policy and Regulation 5331 were developed using a multidisciplinary team that included various school administrators, teachers, and support staff members.

3. Additional factors need to be regarded at the secondary school level in order to provide the best care for food-allergic teens. The multidisciplinary team should consider the factors below when developing Policy and Regulation 5331 as it pertains to food-allergic teens.

a. Students move to different classrooms, frequently in larger buildings and campuses, presenting needs for updated avoidance strategies, epinephrine availability, and designated assistance.

b. Students may have open lunch periods and accompany friends to local eateries.

c. Students may have access to vending machines.

d. Certain classes give rise to new avoidance issues, e.g., chemistry/biology labs, home economics/culinary class, etc.

e. The number of off-site school-sponsored functions increases, e.g., travel, sometimes to other States and foreign countries; athletic games and competitions, sometimes in other towns; dances; etc.

f. Risk-taking behaviors frequently accompany the independence of adolescent years.

g. N.J.S.A. 18A:40-12.6 provides for a delegate for the emergency administration of epinephrine even when a student is able to self-administer life-saving medication. Although teenage students will more than likely be permitted to carry and self-administer emergency medications, those students are not to be expected to have complete responsibility for the administration of epinephrine. A severe allergic reaction can completely incapacitate a student and inhibit the ability to

self-administer emergency medication. Therefore, the school nurse or volunteer delegate shall be available during school and school-sponsored functions to administer epinephrine in an emergency in accordance with the provisions of N.J.S.A. 18A:40-12.5.e.(2).

4. The Principal and/or the school nurse will educate staff and the community regarding Policy and Regulation 5331; obtain feedback on the implementation and effectiveness of the Policy and Regulation; and annually review, evaluate, and update the Policy and Regulation, as needed or required by law.

C. Prevention Measures

1. Considerations for the Cafeteria

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the cafeteria environment as safe as possible for food-allergic students. This process includes making determinations about serving foods with known allergens and identifying steps that can be taken to reduce the chance of accidental exposure. The steps may include:

a. Training to food service personnel on food label reading and safe handling, as well as safe meal substitutions for food-allergic children.

b. Educating cafeteria staff and monitors about food-allergy management and make them aware of the students who have life-threatening food allergies.

c. Developing and implementing standard procedures for cleaning tables, chairs, and trays, particularly those designated as allergen-safe, after lunch periods using dedicated and disposable supplies to avoid cross contact.

d. When possible, sharing ingredient/allergen information for food provided by the school to students and parent(s).

e. Making allergen-safe table(s) an available option for allergic students.

f. Considering allergen-full table(s) (i.e., all those eating peanut butter sit together).

g. Discouraging students from sharing or trading food/snack items, drinks, straws, or utensils.

h. Encouraging students to wash hands before and after eating.

i. Considering the benefits and ramifications of serving and/or removing allergen-containing foods or removing a particular food item from the school menu.

j. Making accommodations in the event a student cannot be in direct proximity to certain allergens that are being cooked/boiled/steamed.

2. Considerations for the Classroom

Provisions will be made to develop safeguards for the protection of food-allergic students in the classroom. The school nurse will work with the classroom teacher(s) so the teacher understands and is able to initiate the student's IEHP, as necessary.

a. If possible, consider prohibiting the use or consumption of allergen-containing foods in the classroom.

b. Conduct training for teachers, aides, volunteers, substitutes, and students about food allergies.

c. Develop and implement a procedure that will alert substitute teachers to the presence of any students with food allergies and any accompanying instructions.

d. Develop and implement a letter to parent(s) of classmates of the food-allergic student (without identifying the student), particularly in lower grades, explaining any prohibitions on food in the classroom.

e. Discourage the use of food allergens for classroom projects/activities, classroom celebrations, etc.

f. Encourage the use of non-food items for all classroom events/activities, as a way to avoid the potential presence of major food allergens.

g. Notify parents of classroom celebrations that involve food with particular attention to notification of parents of food-allergic children.

h. Encourage students to wash hands before and after eating.

i. Develop and implement standard procedures for cleaning desks, tables, and the general classroom area.

3. General Considerations for the School Environment

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the school environment as safe as possible for the food-allergic student to include:

a. Developing and implementing cleaning procedures for common areas (i.e., libraries, computer labs, music and art rooms, hallways, etc.).

b. Developing and implementing guidelines for food fundraisers (i.e. bake sales, candy sales, etc.) that are held on school grounds.

c. Avoiding the use of food products as displays or components of displays in hallways.

d. Developing protocols for appropriate cleaning methods following events held at the school, which involve food.

4. Field Trips and Other School Functions

The school nurse or delegate shall be available during school and school-sponsored functions in the event of anaphylaxis. Students with food allergies should participate in all school activities and will not be excluded based on their condition. The appropriate school staff member(s) should:

a. Communicate (with parent permission) relevant aspects of the IEHP to staff, as appropriate, for field trips, school-sponsored functions, and before- and after-school programs.

b. Encourage long-term planning of field trips in order to ensure that food-allergic students receive needed services while away from school.

c. Evaluate appropriateness of trips when considering the needs of students e.g., a trip to a dairy farm should not be scheduled for a class with a milk-allergic student.

d. Encourage, but do not require, parents of food-allergic students to accompany their child on school trips.

e. Implement the school's procedure for the emergency administration of medications.

f. Implement the school's procedure for emergency staff communications on field trips.

g. Inform parents, when possible, of school events at which food will be served or used.

5. Bus Transportation

The school administrative staff and transportation personnel will consider the needs of students with life-threatening allergies while being transported to and from school and to school-sponsored activities. The appropriate school staff member(s) should:

a. Advise bus drivers of the students that have food allergies, symptoms associated with food-allergic reactions, and how to respond appropriately.

b. Assess the emergency communications systems on buses.

c. Consider assigned bus seating i.e., students with food allergies can sit at the front of the bus or can be paired with a "bus buddy."

d. Assess existing policies regarding food on buses.

6. Preparing for an Emergency

The Principal and school nurse will establish emergency protocols and procedures in advance of an emergency. These protocols and procedures should:

a. Provide training for school personnel about life-threatening allergic conditions.

b. Create a list of volunteer delegates trained by the nurse in the administration of epinephrine, and disseminate the list appropriately.

c. Ensure that epinephrine is quickly and readily accessible in the event of an emergency. If appropriate, maintain a backup supply of the medication.

d. Coordinate with local EMS on emergency response in the event of anaphylaxis.

e. Consider conducting anaphylaxis drills as part of the school-wide emergency response plan.

f. Ensure access to epinephrine and allergy-free foods when developing plans for fire drills, lockdowns, etc.

g. Ensure that reliable communication devices are available in the event of an emergency.

h. Adhere to Occupational Safety and Health Administration (OSHA) and Universal Precautions Guidelines for disposal of epinephrine auto-injectors after use.

7. Sensitivity and Bullying

A food-allergic student may become victim to threats of bullying related to his/her condition. The appropriate school staff member(s) should:

a. Remind students and staff that bullying or teasing food-allergic students will not be tolerated and violators should be disciplined appropriately.

b. Offer professional development for faculty and staff regarding confidentiality to prevent open discussion about the health of specific students.

c. Discourage needless labeling of food-allergic students in front of others. A food-allergic student should not be referred to as “the peanut kid,” “the bee kid” or any other name related to the student’s condition.

D. Roles and Responsibilities for Managing Food Allergies

The risk of accidental exposure to foods can be reduced in the school setting if the school, students, parents, and physicians work together to minimize risks of exposure to allergens and provide a safe educational environment for food-allergic students.

1. Family's Role

   a. Notify the school of the student's allergies.

   b. Work with the school team to develop a plan that accommodates the student's needs throughout the school, including the classroom, the cafeteria, after-care programs, during school-sponsored activities, and on the school bus, as well as an IEHP.

   c. Provide written medical documentation, instructions, and medications as directed by a physician, using the Food Allergy Action Plan as a guide. Include a photo of the child on written form.

   d. Provide properly labeled medications and promptly replace medications after use or upon expiration.

   e. Educate the child in the self-management of their food allergy including: safe and unsafe foods; strategies for avoiding exposure to unsafe foods; symptoms of allergic reactions; how and when to tell an adult they may be having an allergy-related problem; and how to read food labels (age appropriate).

   f. Review policies and procedures with the school staff, the child's physician, and the child (if age appropriate) after a reaction has occurred.

   g. Provide current emergency contact information and update regularly.

2. School's Role

   a. Review the health records submitted by parents and physicians.

b. Identify a core team including the school nurse, teacher, Principal, and school food service and nutrition manager/director to work with parents and the student (age appropriate) to establish an IEHP. Changes to the IEHP that promote food allergy management should be made with core team participation.

c. Assure that all staff who interact with the student on a regular basis understand food allergies, can recognize symptoms, know what to do in an emergency, and work with other school staff to eliminate the use of food allergens in the allergic student's meals, educational tools, arts and crafts projects, or incentives.

d. Coordinate with the school nurse to ensure medications are appropriately stored and ensure an emergency kit is available that contains a physician's standing order for epinephrine. Epinephrine should be kept in a secure but unlocked location that is easily accessible to delegated school personnel.

e. Students who are permitted to self-administer should be permitted to carry their own epinephrine in accordance with State regulations and school policy.

f. Designate school personnel who volunteer to administer epinephrine in an emergency.

g. Be prepared to handle a reaction and ensure there is a staff member available who is properly trained to administer medications during the school day, regardless of time or location.

h. Review policies and prevention plans with the core team members, parents, student (age appropriate), and physician after a reaction has occurred.

i. Work with the transportation administrator to insure that school bus drivers receive training that includes symptom awareness and what to do if a reaction occurs and assess the means by which a bus driver can communicate during an emergency, including proper devices and equipment.

j. Discuss field trips with the family of the food-allergic child to decide appropriate strategies for managing the food allergy.

k. Follow Federal and/or State laws and regulations regarding sharing medical information about the student.

l. Take threats or harassment against an allergic child seriously.

3. Student's Role

a. Students should not trade food with others.

b. Students should not eat anything with unknown ingredients or known to contain any allergens.

c. Students should be proactive in the care and management of their food allergies and reactions based on their developmental level.

d. Students should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

R 5338 DIABETES MANAGEMENT

A. Definitions

1. "Individualized emergency health care plan" means a document developed by the school nurse, in consultation with the parent of a student with diabetes and other appropriate medical professionals, which is consistent with the recommendations of the student's health care provider(s) and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation and is signed by the parent and the school nurse.

2. "Individualized health care plan" means a document developed by the school nurse, in consultation with the parent of a student with diabetes and other appropriate medical professionals who may be providing diabetes care to the student, which is consistent with the recommendations of the student's health care provider(s) and which sets out the health services needed by the student at school and is signed by the parent and the school nurse.

3. "Parent" means parent or legal guardian.

B. Health Care Plans for Students with Diabetes

1. 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.

   a. The parent of the student with diabetes shall annually provide to the Principal and the school nurse a signed written request and authorization for the provision of diabetes care as may be outlined in the individualized health care plan, which shall include authorization for the emergency administration of glucagons and, if requested by the parent, authorization for the student's self-management and care of his/her diabetes; and

   b. If such a request is made by a student's parent, the student's physician or advanced practice nurse must provide a signed written certification to the Principal and the school nurse that the student is capable of, and has been instructed in, the management and care of his/her diabetes.

2. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event that there is a change in the health status of the student.

3. Each individualized health care plan shall include, and each individualized emergency health care plan may include, the following information:

   a. The symptoms of hypoglycemia for that particular student and the recommended treatment;

   b. The frequency of blood glucose testing;

   c. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;

   d. Times of meals and snacks and indications for additional snacks or exercise;

   e. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;

   f. Accommodations for school trips, after-school activities, class parties, and other school-related activities;

   g. Education of all school personnel who may come in contact with the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;

   h. Medical and treatment issues that may affect the educational process of the student with diabetes; and

   i. How to maintain communications with the student, the student's parent and health care team, the school nurse, and the educational staff.

4. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of 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.

C. Authorized Employees for Administration of Glucagon

1. 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.

2. The activities described in C.1. above shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional.

D. Management and Care of Diabetes by Student

1. Upon the written request and authorization from the parent submitted to the Principal and school nurse and as provided in the student's individualized health care plan, the school shall allow the student 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 student's management and care of his/her diabetes shall include the following:

a. Performing blood glucose level checks;

b. Administering insulin through the insulin delivery system the student uses;

c. Treating hypoglycemia and hyperglycemia;

d. Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes;

e. Compliance with required procedures for medical waste disposal in accordance with school policies and as set forth in the individualized health care plan; and

f. Otherwise attending to the management and care of the student's diabetes.



E. Release for Sharing of Certain Medical Information

1. The school nurse shall obtain a release from the parent of a diabetic student to authorize the sharing of medical information between the student's physician or advanced practice nurse and other health care providers.

2. The release shall also authorize the school nurse to share medical information with other staff members of the school as necessary.

F. Immunity From Liability

1. No school employee, including a school nurse, a school bus driver, a school bus aide, or any other officer or agent of the Board of Trustees shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.11 through 18A:40-12.21, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person trained in good faith by the school nurse pursuant to this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

G. Possession of Syringes

1. The possession and use of syringes consistent with law shall not be considered a violation of applicable statutory or regulatory provisions that may otherwise restrict or prohibit such possession and use.

R 5350P STUDENT SUICIDE PREVENTION – APSSD

The following are 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.

A. Recognition of Warning Signs of Suicide

All school staff members shall be alert to any warning signs a student may be contemplating suicide. Such warning signs may include, but are not limited to, a student's:

1. Overt suggestion, regardless of its context, that he/she is considering or has considered suicide or has worked out the details of a suicide attempt;

2. Self-mutilation;

3. Obsession with death or afterlife;

4. Possession of a weapon or possession of other means of suicide or obsession with such means;

5. Sense of hopelessness or unrelieved sadness;

6. Lethargy or despondency, or, conversely, a tendency to become more impulsive or aggressive than usual;

7. Drop in academic achievement, slacking off of energy and effort, or inability to focus on studies;

8. Isolation from others by loss of friends, withdrawal from friends, lack of companionship, or family disintegration;

9. Preoccupation with nonexistent physical illness;

10. Loss of weight, appetite, and/or sleep;

11. Substance abuse;

12. Volatile mood swings or sudden changes in personality;

13. Prior suicide attempt(s);

14. Anxiety or eating disorder;

15. Involvement in an unhealthy, destructive, or abusive relationship; and

16. Depression due to being a victim/target of harassment, intimidation, bullying, or mistreatment by others.

B. Response to the Warning Signs of Suicide

1. Any indication of suicide, whether personally witnessed or received by a report from another, shall be taken seriously and immediately reported to the Principal or designee. Upon receiving such report, the Principal will ensure the student is supervised by a school staff member until a preliminary assessment of the risk is determined.

2. The Principal or designee shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) that the student will be referred to the sending district Child Study Team or a Suicide Intervention Team for a preliminary assessment in accordance with C. below.

3. If the threat of suicide is immediate and serious, the Principal will contact local law enforcement and the Executive Director.

4. The Executive Director or designee shall contact the sending district Superintendent or designee to notify them of the incident.

C. Preliminary Assessment and Recommendation(s)

1. The sending district Child Study Team or the Suicide Intervention Team will immediately meet with the student to complete a preliminary assessment.

2. The sending district Child Study Team or Suicide Intervention Team will make a recommendation(s), based on the preliminary assessment, to the Principal or designee regarding the student's risk of suicide.

3. Upon receiving the recommendation(s), the Principal or designee and/or the sending district's Child Study Team will immediately meet with the parent(s) to review the findings of the preliminary assessment. Based on the recommendation(s) of the sending district Child Study Team or Suicide Intervention Team, the student may be:

a. Permitted to remain in school:

(1) If the student remains in school after the preliminary assessment, the Principal or designee will designate a school staff member to follow-up with the student on any recommendations of the sending district Child Study Team or Suicide Intervention Team.

b. Referred to the sending district Child Study Team for further evaluation;

c. Removed from the school and released to the parent(s) and will be required to obtain medical or psychiatric services before the student may return to school:

(1) 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 acceptable to the sending district indicating the student has received medical services, does not present a risk to himself/herself or others, and is cleared to return to school. The sending district will not act unreasonably in withholding approval of the medical professional selected by the parent(s). 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.

(2) The parent(s) shall be required to authorize their healthcare professional(s) to release the student's relevant medical information to the APSSD's and sending district's healthcare professional(s), if requested.

d. Required to comply with the recommendation(s) outlined in C.3.a., b., and/or c. above, and/or any other recommendation(s) of the Principal or designee to ensure the student's safety and the safety of others.

4. In the event the parent(s) objects to the recommendation(s) or indicates an unwillingness to cooperate with the school or sending district Child Study Team regarding their child, the Principal or designee or the 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.

D. Response to Attempted Suicide by a Student

1. Any school staff member, volunteer, or intern with reasonable cause to suspect or believe a student has attempted suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.

2. A Principal or designee or supervisor who receives a report of a student who has attempted suicide will immediately report it to the Executive Director or designee, who shall promptly report it online to the DCF and notify the sending district Superintendent who will additionally report it to the DCF.

3. The school staff member who witnesses a suicide attempt on school grounds, at a school sponsored event, or on a school bus shall immediately contact local law enforcement and emergency medical services, as appropriate. The Principal or designee shall also notify the sending district Child Study Team.

E. Response to Suicide Committed by a Student

1. Any school staff member, volunteer, or intern with reasonable cause to suspect or believe a student has committed suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.

2. A Principal or designee or supervisor who receives a report that a student has committed suicide will immediately report it to the Executive Director or designee, who shall promptly report it online to the DCF and notify the sending district Superintendent who will additionally report it to the DCF.

3. The Principal will assemble school staff members as soon as possible, to provide school staff members information, plans for the school day, and guidelines for handling the concerns of students.

4. The Principal will use a School Crisis Team to assist school staff members in dealing with any issues that arise due to the situation and to assist students in the loss.

5. The School Crisis Team will assist teachers in responding to the needs of students. Students who were close to the victim shall be offered special counseling services and parents will be notified of available community mental health services.

6. School staff members shall be especially alert to warning signs of contemplated suicide among the victim's peers.

7. The Principal may, with the approval of the Executive Director, provide any additional support and services that will assist school staff members and students in the loss.

F. Prevention of Suicide Contagion

1. School staff members, under the direction of the Principal or designee, shall attempt to prevent suicide contagion by:

   a. Avoiding the glorification or romanticization of suicide;

   b. Helping students recognize that suicide is irreversible and permanent and does not truly resolve problems;

   c. Encouraging students to ask questions when a fellow student suggests suicide and report to a school staff member;

   d. Discussing ways of handling depression and anxiety without resorting to self-destruction; and

   e. Implementing any other strategies to prevent suicide contagion.

R 5500 EXPECTATIONS FOR STUDENT CONDUCT

The following specific behaviors exemplify the conduct expected of students, in accordance with Policy 5500.

A. Students will prepare themselves mentally and physically for the process of learning by:

1. Being well-nourished, rested, clean, and properly dressed and groomed;

2. Being free of drugs and alcohol and refraining from smoking; and

3. Developing attitudes that will prepare them for listening, participating, and learning.

B. Students will respect the person, property, and intellectual and creative products of others by:

1. Being always honest, forthcoming, and courteous;

2. Displaying care for the property of others;

3. Acknowledging the intellectual work of others when it is incorporated into their work;

4. Accepting the rights of others to their own opinions and beliefs;

5. Resolving disputes and differences peacefully;

6. Displaying loyalty and good sportsmanship; and

7. Helping to maintain school facilities that are neat and clean.

C. Students will take responsibility for their own behavior and learning by:

1. Recognizing that academic endeavor is the primary purpose of school attendance;

2. Completing all homework, classwork, and assigned projects on time;

3. Preparing for each class by bringing necessary supplies and equipment;

4. Making personal choices that are based on sound reasoning and decision-making;

5. Accepting constructive criticism; and

6. Acknowledging and accepting the consequences of their own actions.

D. Students will use time and other resources responsibly by:

1. Attending school regularly and promptly and striving for a perfect attendance record; and

2. Using books and other equipment appropriately.

E. Students will share responsibilities when working with others by:

1. Cooperating with others in the work of the group;

2. Contributing talents and services as appropriate; and

3. Respecting the rights and opinions of others in a group setting.

F. Students will meet the requirements of each teacher or other staff member by:

1. Participating actively and appropriately in the scheduled class;

2. Following the rules and procedures established for the class by the teacher;

3. Bringing to class the textbook, clothing, and other materials necessary for participation; and

4. Observing school rules for the safe handling of class equipment and materials.

G. Students will monitor their own progress toward school objectives by:

1. Carefully planning courses of study and schedules;

2. Promptly seeking staff assistance as required; and

3. Maintaining records of progress.

H. Students will communicate with parents and appropriate school staff members about school matters by:

1. Discussing progress in school with parents and relaying necessary information to parents;

2. Transmitting school letters, forms, and notices to parents and returning required responses to school staff members; and

3. Conferring with appropriate staff members when a problem occurs.

R 5513 CARE OF SCHOOL PROPERTY

A. Teachers' Responsibilities

1. Teachers will exercise judgment in the entrustment of school property to students.

2. Teachers will impress upon all students the importance of the proper care of school property and instruct students in the proper use of school facilities, equipment, instructional materials, and textbooks.

3. Teachers will keep an accurate inventory of textbooks and other materials assigned to their classrooms.

B. General Rules Governing the Use of School Property

1. Students shall not deface the school building, furnishings, or equipment in any manner.

2. Students shall not use school furnishings or equipment for purposes other than those for which the furnishing or equipment was designed and intended.

3. Students will care for school textbooks in accordance with D.

C. Distribution and Collection of Textbooks and Materials

1. Each textbook will be stamped as the property of the Board of Trustees and marked with a number unique to that book.

2. A label will be affixed to the front of each textbook and will include:

   a. The name of the Board of Trustees,

   b. The name of the school,

   c. The year in which the book was purchased, and

   d. The number assigned to the book.

3. The following information will also be entered on the label each time the book is issued to a student:

a. The name of the student to whom the book is issued,

b. The date on which the book is issued to the student,

c. The condition of the book when it is issued, and

d. The condition of the book when it is returned.

4. Each classroom teacher will keep a permanent record of the textbooks used in his/her classroom. The record will include all the information listed in C2 and C3.

5. A lost textbook must be promptly reported to the teacher who issued the book. A replacement textbook will be issued immediately.

6. Textbooks will be collected and inspected before the end of the school year or marking period, as appropriate. Once inspected, a textbook will be returned to inventory until it is again distributed to a student.

7. Students must remove covers, loose papers, and markings before returning any textbook.

8. Fines will be assessed for lost and damaged textbooks.

D. Care of Textbooks by Students

1. Students shall take care not to lose or misplace a textbook or expose a textbook to conditions or circumstances likely to destroy, damage, or degrade it.

2. All textbooks that will be taken home by students must be protected with an appropriate cover to be supplied by the student.

3. Students should not:

a. Use pens, pencils, or other implements to mark a place in a textbook;

b. Use a textbook to file bulky papers and notes;

c. Write in textbooks; or

d. Soil textbooks beyond normal use.

E. Fines and Penalties

1. Fines will be assessed for any lost textbook or textbook damaged beyond normal wear.

2. The teacher will inspect each textbook returned and will assess a fine for each lost or damaged book.

3. In setting fines the teacher may take into account verified extenuating circumstances.

4. The student will make payment of the fine assessed to the Principal's office.

5. Teachers will not collect fines.

6. A student who finds their lost textbook will be reimbursed any fine paid for the lost textbook but will be assessed a fine for any damage done to the book.

7. If fines remain unpaid, the Principal or designee may request payment from the parents or take such other steps as may be appropriate to ensure that moneys due are paid and that the importance of taking responsibility for the consequence of one's acts is instilled.

Adopted: 24 October 2019

R 5530P SUBSTANCE ABUSE - APSSD

The following procedures are established in implementation of Policy 5530, Substance Abuse.

A. Definitions

1. "Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the student or the student's family.

2. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).

3. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

4. "Referral for evaluation" means programs and services suggested to a student or his or her family in order to make a positive determination regarding a student's need for services that extend beyond the general school program.

5. "Referral for treatment" means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.

6. "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 and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school has exclusive use of a portion of such land. "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 as defined in N.J.A.C. 6A:26-1.2.

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

8. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

9. "Under the influence" of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

B. Discipline

1. Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the student who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Students who violate the substance abuse rules will be disciplined as follows; provided any discipline for a student with a disability is in accordance with State and Federal special education laws:

   a. First offense: Nine days suspension from school and parent conference to discuss counseling options and requirements.

   b. Second offense: Nine or more days suspension from school and parent conference to discuss counseling options and requirements.

   c. Third offense: Meeting with sending district Child Study Team to consider extended suspension and/or possible return to sending district.



2. The following disciplinary action will be taken in the event the student does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:

   a. First and second offense: Additional suspension and parent conference to discuss counseling.

   b. Third offense: Parent conference and possible return to sending district.

C. Intervention, Referral for Evaluation, and Referral for Treatment Services

1. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.

   a. The intervention, referral for evaluation, and referral for treatment services, if provided by the approved private school for students with disabilities (APSSD), shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.

   b. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:

      (1) Provisions for a program of instruction, counseling, and related services provided by the APSSD while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;

      (2) Referral to a community agency, out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;

      (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or

      (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.



D. Reporting, Notification, and Examination Procedures

1. Students Suspected of Using Anabolic Steroids

a. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the Principal or, in the Principal's absence, to

a person designated by the Principal and either the certified or non-certified school nurse, the school physician, or the student assistance coordinator.

b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent and the Executive Director. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.

(1) If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.

(2) The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.

c. The Principal or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids.

(1) The Principal or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

d. The examining physician shall provide to the parent and Principal a written report of the examination.



e. If it is determined the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.

(1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

f. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies, to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

2. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids

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 on school grounds shall report the matter as soon as possible to the Principal or, in his or her absence, to his or her designee and either the certified school nurse, non-certified school nurse, school physician, or student assistance coordinator.

(1) In instances where the Principal and either the certified school nurse, non-certified school nurse, school physician or the student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.



(2) The referring staff member shall file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the Student Safety Data System (SSDS) according to N.J.A.C. 6A:16-5.3.

b. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the Principal or designee shall:

(1) Immediately notify the student's parent and the Executive Director;

(2) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids; and

(3) Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination.

c. The Principal or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.

(1) The Principal or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

d. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.

(1) The parent will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.

(2) The examination shall be at the expense of the parent and not the APSSD.



e. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.

(1) If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.

(2) The student's parent, if available, shall also accompany the student.

(3) When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the APSSD.

f. The Principal will have a plan in place for the appropriate supervision of the student:

(1) While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and

(2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.

g. A written report of the medical examination of the student shall be furnished to the student's parent and the Principal by the examining physician within twenty-four hours of the referral of the student for suspected alcohol or other drug use.

(1) The school, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.

(2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school will require the parent to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with this Policy.

(1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.

(2) Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation.

i. If the written report of the medical examination is not submitted to the parent and Principal within twenty-four hours of the referral of the student for suspected alcohol or other drug use, 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.

j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.

k. 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:

(1) The student will be returned as soon as possible to the care of the parent;

(2) Attendance at school shall not resume until a written report has been submitted to the parent and the Principal from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school.

(a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.

(3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.



l. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall:

(1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.

(a) The findings of the assessment alone shall not prevent a student from attending school; and

(2) Cooperate with community agencies and juvenile justice officials in providing evaluation, referral, and continuity of care for alcohol or other drug abuse treatment.

m. While the student is at home because of the medical examination or after his or her return to school or the Principal may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

(1) The findings of these additional evaluations alone shall not be used to prevent a student from attending school.

n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational



Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.

2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.

   a. The Principal or designee shall immediately notify the Executive Director or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

   b. The school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.

   c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:

      (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

      (2) The identity of the student believed to have been in possession of the substance or paraphernalia.

   d. The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is reason to believe the student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.



(1) An admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

F. Reporting Students to Law Enforcement Agencies

1. Any staff member who, in the course of his or her employment, has reason to believe that a student 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.

2. Either the Principal or the responsible staff member shall notify the Executive Director, who in turn shall notify as soon as possible the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

3. The Executive Director or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the student involved.

4. The Executive Director or designee; however, shall not disclose the identity of a 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.

5. An admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

6. 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 controlled dangerous substances, or a student suspected to have used or who may

be using anabolic steroids, and who is referred for a medical examination, as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. 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 or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

G. Records and Confidentiality of Records

1. Notations concerning a student's involvement with substances may be entered on his/her records, subject to Policy 8330.

2. 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.

3. If a student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:

   a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student, or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student;

   b. Pursuant to a court order;

   c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the student or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or



d. To the Division of Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.

Any disclosure made pursuant to G.3.a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the student's written consent. The disclosure must be accompanied by a written statement from the Executive Director or designee advising the recipient that the information is being disclosed from the records the confidentiality law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this Policy or Regulation prevents the DCP&P or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy or Regulation shall be construed as authorizing the violation of any Federal law.

The prohibition on the disclosure of information provided by a student shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a student in violation of Policy 5530 and Regulation 5530P is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

4. Each incident of substance abuse shall be reported to the Commissioner on the SSDS.

Adopted: 24 October 2019

R 5533 STUDENT SMOKING

The Board of Trustees is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Trustees. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure students do not smoke in violation of Board Policy 5533P and the law.

A. Notice Provisions

1. A sign shall be posted in every school building indicating smoking is prohibited in any school building or on school grounds. The sign shall also indicate violators will be subject to a fine.

2. The school's student handbook will indicate smoking is prohibited on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Trustees.

3. A public address announcement will be made, when practicable, at school-sponsored events indicating smoking is prohibited in the school building and on school grounds.

B. Reporting Procedures

1. Any teaching staff member who observes a student smoking in violation of Policy 5533P shall inform the student to cease smoking and report the violation to the Principal or designee.

2. Any support staff member who observes a student smoking in violation of Policy 5533P shall either inform a teaching staff member, who shall report the violation to the Principal or designee or the support staff member may report the violation directly to the Principal or designee.

3. The Principal or designee will investigate each report received from a staff member and make a determination whether the student has violated Board Policy 5533P.

C. Violation Consequences

1. In the event the Principal or designee determines a student has violated Policy 5533P, the student will be assigned appropriate discipline in accordance with the school's student discipline/code of conduct.

2. The Principal or designee will notify the student's parents when discipline is being imposed for a violation of Policy 5533P.

Issued: 24 October 2019

R 5561P USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES FOR STUDENTS WITH DISABILITIES – APSSD

A. Definitions

"Mechanical Restraint" means the use of any device or equipment to restrict a student's freedom of movement, but does not include devices implemented by trained school personnel, or utilized by a student that has been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical mobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

"Physical restraint" means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

"Seclusion technique" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, but does not include a timeout.

"Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of calming.

B. Physical Restraint

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 to be 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. In addition, the APSSD shall provide a post-incident written notification report of the incident of physical restraint to the parent and the sending district representative within forty-eight hours of the occurrence of the incident.

    a. The post-incident written notification report shall include, but not be limited to, details regarding the nature of the behavior that precipitated the use of the restraint; the staff involved; and recommendations for follow-up activities including, if appropriate, suggested revisions to the student's individualized education plan (IEP) or administration of a functional assessment.

    b. The post-incident written notification report shall be maintained by the APSSD in a manner consistent with State and Federal regulations regarding the confidentiality of student records, while also serving as a mechanism for gathering data which allows the sending district IEP team to make informed decisions regarding the student's needs.

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 (BIP) at the sending district's next IEP meeting.

   a. Each incident that requires the use of restraint shall be documented in a manner that supports informed data-driven decision making by APSSD staff and the sending district IEP team.

   b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with APSSD staff, reflections on adherence to the sending district IEP and APSSD procedures, and specific follow-up that will take place including, if appropriate, a sending district IEP team meeting.

   c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the APSSD's procedures. Any reviews should be conducted across sub-groups and involve APSSD staff, Child Study Team members, and sending district administrators.

An APSSD shall attempt to minimize the use of physical restraints through inclusion of Positive Behavior Supports (PBS) in the student's BIPs developed by the sending district IEP team.

C. Seclusion

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 that it was used in accordance with established procedures set forth in Policy and Regulation 5561P; and

3. Each incident in which a seclusion technique 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 BIP at the next IEP meeting.

   a. Each incident that requires the use of a seclusion technique shall be documented in a manner that supports informed data-driven decision making by school staff and the sending district's IEP team.

   b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with APSSD staff, reflections on adherence to the IEP and APSSD procedures, and specific follow-up that will take place including, if appropriate, a sending district IEP team meeting.

   c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the APSSD's procedures. Any reviews should be conducted across sub-groups and involve APSSD staff, Child Study Team members, and sending district administrators.

An APSSD shall attempt to minimize the use of seclusion techniques through inclusion of PBS in the student's BIP developed by the sending district IEP team.

D. Interventions

1. Classroom interventions may include, but not be limited to, the following strategies:

   a. The staff member may ignore the behavior;

   b. The staff member may redirect the student to a task with verbal or non-verbal prompts or gestures. Proximity and the use of gentle humor may help, when appropriate;

   c. The staff member shall be clear, polite, and respectful when redirecting the student's behavior. The staff member should make eye contact and tell the student what to do such as "I can't teach when you are talking, throwing things, …" or "Please stop and listen, read, write, ..." The staff member should remind the student of consequences for non-compliance and rewards if they comply with the staff member's request;



d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and quietly give the student adequate wait time. If the staff member moves on, the student may comply after the initial confrontation if attention goes back to the lesson;

e. The staff member may advise the student to proceed to a time out area in the classroom for a limited time (elementary and middle school); and

f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.

2. Security interventions may include, but are not limited to, the staff member:

a. Standing quietly in the doorway and asking the student to accompany the staff member; and

b. Informing the student of the violation of the school discipline code and procedure and assure the student they have the choice to leave the classroom quietly.

E. Use of Physical Restraint

1. If necessary, the staff member shall restrain the student until the emergency no longer exists (i.e. the student stops punching, kicking, spitting, damaging property, etc.).

2. The staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.

3. The Principal's or designee's or any APSSD staff member's report regarding the incident shall be documented in writing in sufficient detail to enable sending district staff to use this information to develop or improve the BIP at the next IEP meeting. The documentation of physical restraint shall be placed in the student's school file.

4. The use of physical restraint is subject to the following additional requirements:

a. Physical restraint techniques shall consider the student's medical conditions and shall be modified as necessary;



b. Students shall not be subjected to physical restraint for using profanity or other verbal displays or disrespect. A verbal threat will not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat;

c. In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff member should consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of the other students in the vicinity;

d. A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing harm to himself/herself, others, or imminent property destruction; and

e. The student shall be examined by the school nurse after any restraint.

F. Restraint and Seclusion Training Requirements

1. All staff members working directly with students with disabilities shall receive training on Policy and Regulation 5561P and in safe techniques for physical restraint and seclusion from an entity determined by the Board of Trustees to be qualified to provide such training.

a. The Executive Director shall determine the staff members that shall receive restraint and seclusion training.

b. The training shall be identified in the APSSD's professional development plan and should be considered as a topic for ongoing professional learning communities (PLCs).

c. The training shall emphasize the use of appropriate de-escalation techniques and the use of PBS as mechanisms to avoid the need for the use of physical restraint and seclusion.

d. Training may include current professionally accepted practices and standards regarding behavior management.

e. The training program shall be updated at least annually.

2. In addition to the APSSD's training and PLCs, the Board may also consider additional training for all staff members who will be responsible for implementing the students' IEPs which include BIPs for students with disabilities.

   a. This additional training should include a framework that emphasizes de-escalation techniques, identifying PBSs, and behavior strategies which support appropriate behavior in all school settings.

   b. Staff members responsible for implementing BIPs for student IEPs should be trained on the use of continuous monitoring techniques and the collection of data which can be used to inform decision making regarding the continued use of restraint and seclusion.

3. Training for administrators shall include information on the effectiveness of school-wide positive behavior programs, a tool for evaluating the effectiveness of the Policy and Regulation 5561P, and a tool for evaluating the effectiveness of the APSSD's trainings.

R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Principal or designee, shall assure the rights of a student suspended for one, but not more than ten consecutive school days by providing for the following:

   a. As soon as practicable, oral or written notice of charges to the student.

      (1) When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided.

   b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of the events regarding his or her actions leading to the short-term suspension and is provided notice of the school's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.

      (1) The informal hearing shall be conducted by a school administrator or designee;

      (2) To the extent that a 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;

      (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and

      (4) The informal hearing and the notice given may take place at the same time.

   c. Oral or written notification to the student's parent of the student's removal from the student's educational program prior to the end of the school day on which the Principal decides to suspend the student. The notification shall include an explanation of:

      (1) The specific charges;

      (2) The facts on which the charges are based;

(3) The provision(s) of the code of student conduct the student is accused of violating;

(4) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and

(5) The terms and conditions of the suspension.

d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and

e. Academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards.

(1) The student's academic instruction shall be provided within five school days of the suspension.

(2) The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

2. The Principal suspending the student shall immediately report the suspension to the Executive Director, who shall report the suspension at the school's next regular meeting, pursuant to N.J.S.A. 18A:37-4.

3. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14. Any suspension of a student will be reviewed by the student's case manager or sending district representative.

B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:

a. Notification to the student of the charges prior to the student's removal from school;

b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;



c. Immediate notification to the student's parent of the student's removal from school;

d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day;

e. Written notification to the parent by the Executive Director or designee within two school days of the initiation of the suspension, stating:

(1) The specific charges;

(2) The facts on which the charges are based;

(3) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; and

(4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the school, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.

(a) The school shall request from the parent and student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his or her educational program, pursuant to N.J.A.C. 6A:16-7.3.

f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;

g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;

h. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;

i. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.

(1) The student's educational services shall be provided within five school days of the suspension.

(2) Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

j. A formal hearing before the school that shall, at a minimum:

(1) Be conducted by the school or delegated by the Executive Director to a school committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.

(a) Before taking final action, the school as a whole shall receive and consider either a transcript or detailed report on the hearing.

(2) Include the opportunity for the student to:

(a) Confront and cross-examine witnesses, if there is a question of fact; and

(b) Present his or her own defense, and produce oral testimony or written supporting affidavits.

(3) Result in the school's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence.

2. For a student with a disability who receives a long-term suspension, the school shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.

a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.

b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.

c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

Adopted: 24 October 2019



R 5611P REMOVAL OF STUDENTS FOR FIREARMS OFFENSES - APSSD

A. Definitions

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

B. Removal of Students for Firearm Offenses

1. The Principal or designee shall immediately remove students with disabilities for offenses involving firearms in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.

C. Procedures - Removal of Students for Firearm Offenses

1. The Principal shall:

a. Remove a student as set forth in B. above;

b. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

c. Immediately report to the Executive Director the removal of the student;

d. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice;

e. Immediately notify the sending district; and

f. Notify the student's parent of the following information:

(1) The removal action;

(2) The law enforcement notification;

(3) The change of custody, if it occurs; and

(4) The due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

2. A student with a disability removed pursuant to Policy and Regulation 5611P shall receive a placement in accordance with N.J.A.C. 6A:14.

Adopted: 24 October 2019

R 5612P ASSAULTS ON BOARD MEMBERS OR EMPLOYEES - APSSD

A. Removal of Students for Assault on Board Members and Employees

1. Any student who commits an assault, not involving the use of a weapon or firearm, upon a teacher, administrator, other school Board employee, or Board of Trustees 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.

2. A student with a disability who commits an assault pursuant to 1. above shall be removed in accordance with N.J.A.C. 6A:14.

B. Procedures - Removal of Students for Assault on Board Members and Employees

1. The Principal or designee shall:

   a. Remove a student as set forth in A. above;

   b. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;

   c. Immediately report to the Executive Director the removal of the student;

   d. Immediately notify the sending district;

   e. Notify the student's parent of the removal action and the student's due process rights; and

   f. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

2. The Board shall provide due process proceedings for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

Adopted: 24 October 2019

R 5613P REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES - APSSD

A. Definitions

"School buildings" and "school grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. "School buildings" and "school grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; night field lights; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. "School buildings" and "school grounds" also includes other facilities such as playgrounds; and 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 in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Removal of Students for Assaults with Weapons Offenses

1. The Principal or designee shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.

C. Procedures - Removal of Students for Assaults with Weapons Offenses

1. The Principal or designee shall:

a. Remove a student as set forth in B.1. above;

b. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

c. Immediately report to the Executive Director the removal of the student;

d. Immediately notify the sending district;

e. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and

f. Notify the student's parent of the following information:

(1) The removal action;

(2) The law enforcement notification;

(3) The change of custody, if it occurs; and

(4) The due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

2. A student with a disability removed pursuant to B.1. above shall receive a placement in accordance with N.J.A.C. 6A:14.

Adopted: 24 October 2019



R 5750 EQUAL EDUCATIONAL OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any student or the parent of a student the opportunity to appeal an allegedly discriminatory practice in the program of this school or an alleged denial of equal educational opportunity.

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

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

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

B. Definitions

1. "Board of Trustees" means the Board of Trustees of the Essex Valley School.

2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school relating to compliance with law, regulations, or policies regarding equal educational opportunities.

3. "Complainant" means a student or a parent of a student who alleges a complaint.

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

5. "School" means the Essex Valley School.

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

C. Procedure

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

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

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

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

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

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

   e. The reasons why those results are not satisfactory.

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

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

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



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

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

   a. The original complaint,

   b. The response to the complaint,

   c. The Executive Director's decision,

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

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

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

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

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

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

D. Record

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

Issued: 24 October 2019

R 5751 SEXUAL HARASSMENT OF STUDENTS

Sexual harassment of students is prohibited by the Board of Trustees. The Executive Director and school staff will use the following methods to investigate and resolve allegations of sexual harassment of students engaged in by school employees, other students (peers), or third parties.

A. Definitions

1. Quid Pro Quo Harassment - 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 - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another 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.

3. Notice - The school has notice if it actually "knew, or in the exercise of reasonable care, should have known" about the harassment. If an agent or responsible employee of the school received notice, the school is deemed to have notice. The school may receive notice in many different ways:

   a. A student may have filed a grievance or complained to a teacher about fellow students harassing him/her.

   b. A student, parent, or other student may have contacted other appropriate school personnel.

   c. An agent or a responsible employee of the school may have witnessed the harassment.

d. The school may obtain information in an indirect manner such as staff, community members, newspapers, etc.

4. Constructive Notice - A school will be in violation if the school has "constructive notice" of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school "should have" known about the harassment and if the school would have found out about the harassment through a "reasonable diligent inquiry."

5. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

6. Title IX of the Education Amendments of 1972 - Title IX applies to all schools that receive Federal funds and protects students in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any "person" from sex discrimination; accordingly both male and female students are protected from sexual harassment engaged in by school employees, other students, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the student being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian students may create a sexually hostile environment and therefore be prohibited under Title IX.

7. Grievance Procedure - The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

8. Office Of Civil Rights (OCR) - The OCR of the United States Department of Education has Federal government's enforcement authority of Title IX.



9. Unwelcomeness - In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the student did not request or invite it and "regarded the conduct as undesirable or offensive." The school will be concerned about the issue of welcomeness if the harasser is in a position of authority.

10. Acquiescence - Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a student may have accepted the conduct does not mean that he/she welcomed it. The fact that a student willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a student actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.

11. Sufficiently Severe, Persistent, or Pervasive Conduct - In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:

    a. The degree to which the conduct affected one or more students' behavior. The conduct must have limited a student's ability to participate in or benefit from his/her education or altered the conditions of the students educational environment.

    b. The type, frequency, and duration of the conduct.

    c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.

    d. The number of individuals involved.

    e. The age and gender of the alleged harasser and the subject or subjects of the harassment.

    f. The size of the school, location of the incidents, and context in which they occurred.

    g. Other incidents at the school.

    h. Incidents of gender-based, but non-sexual harassment.



B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Students by School Employees, Other Students, or Third Parties:

1. Reporting of Sexual Harassment Conduct

a. Any person with any information regarding actual and/or potential sexual harassment of a student by any school employee, other students, or third parties must report the information to the school Principal, their immediate supervisor or the Affirmative Action Officer.

(1) If the Principal deems it appropriate, he/she may immediately notify the parents of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.

(2) The Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.

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

c. Nothing in the Policy and Regulation on Student Sexual Harassment shall preclude the Principal, or designee, from complying with the provisions of Policy 5600 - Student Discipline in order to maintain the health, safety and welfare of staff and/or students.

d. A report from the school Principal or an immediate supervisor will be forwarded to the school Affirmative Action Officer within one working day, even if the school Principal or immediate supervisor feels sexual harassment conduct was not present.

e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parents of any alleged harasser(s) and victim(s) for which a report has been filed even if the Principal has previously notified the parents.



f. The Affirmative Action Officer shall notify the parents of all involved students and any other involved individuals of the process to be followed in investigating a report or complaint.

2. Affirmative Action Officer's Investigation

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

b. When a student or the parents of a student provides information or complains about sexual harassment of the student, the Affirmative Action Officer will initially discuss what actions the student or parent is seeking in response to the harassment.

c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any students who may have been sexually harassed by any school employee, other students, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer will request, if relevant to an investigation, the parent of any student involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).

e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.



g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

h. The Affirmative Action Officer and/or Executive Director may contact law enforcement agencies if there is potential criminal conduct by any party.

i. The school administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the student from assisting in the investigation.

j. If elementary or middle school students are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the student, the nature of the conduct involved, and other relevant factors in determining whether a student had the capacity to welcome sexual conduct.

k. The Affirmative Action Officer will consider particular issues of welcomeness if the alleged harassment relates to alleged "consensual" sexual relationships between a school employee and a student.

(1) If elementary or middle school students are involved, welcomeness will not be an issue. Sexual conduct between a school employee and an elementary student will not be viewed as consensual.

(2) If secondary students are involved, there is a strong presumption that sexual conduct between a school employee and a secondary student is not consensual.

(3) In cases involving older secondary and post-secondary students and older secondary and post-secondary special education students, the Affirmative Action Officer will consider the following to determine whether a school employee's sexual advances or other sexual conduct could be considered welcome:

(a) The nature of the conduct and the relationship of the school employee to the student, including the degree of influence, authority, or control the employee has over the student.

(b) Whether the student was legally or practically unable to consent to the sexual conduct in question.

l. If there is a dispute about whether harassment occurred or whether it was welcome (in a case which it is appropriate to consider whether the conduct could be welcome) determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:

(1) Statements made by any witnesses to the alleged incident.

(2) Evidence about the relative credibility of the alleged harassed student and the alleged harasser.

(3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the student claiming harassment.

(4) Evidence of the allegedly harassed student's reaction or behavior after the alleged harassment.

(5) Evidence about whether the student claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.

(6) Other contemporaneous evidence such as did the student write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.

m. The scope of a reasonable response also may depend upon whether a student or parent reporting harassment asks that the student's name not be disclosed to the harasser or that nothing be done about the harassment. The Affirmative Action Officer:

(1) Will provide an overview of harassment policy [and Title IX if applicable] to the student, parent which shall include the prohibition of retaliation. In the event the student or parents request the student's name remain confidential, the Affirmative Action Officer will inform the student or parent that the request may limit the school's ability to respond.



(2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The factors to be considered shall be the seriousness of the alleged harassment, the age of the student harassed, whether there have been any other complaints or reports against the alleged harasser. And the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.

(3) May use other means available to address the harassment. Steps that may be taken to limit the effects of the alleged harassment and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require sexual harassment training at the site where the problem occurred, taking a student survey concerning any harassment problems that may exist, or other systematic measures where the alleged harassment occurred.

(4) By conducting a limited investigation without revealing the name of the student sexually harassed, may be able to learn about or confirm a pattern of harassment based on claims of different students that were harassed by the same individual. The Affirmative Action Officer may place an individual on notice of allegation of harassing behavior and counsel appropriately without revealing, even indirectly, the identity of the student who notified the school.

3. Investigation Results

a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school and the student(s) who were alleged to be sexually harassed.

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

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



d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action, as specified in student and/or staff discipline policies and regulations. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the school administrators and staff shall take steps to eliminate the hostile environment. The school administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed student, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any student that reports such conduct.

f. In some situations, the school administrators may need to provide other services to the student that was harassed if necessary to address the effects of the harassment on that student. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed student's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.

g. The school administrators 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 Affirmative Action Officer will inform the sexually harassed student and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.

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

4. Affirmative Action Officer's Investigation Appeal Process

   a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any student who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Executive Director. The Executive Director will make his/her determination within ten working days of receiving the appeal.

   b. Any person who is not satisfied with the Executive Director's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Executive Director's determination.

R 6000 FINANCES

Number	Title
R 6152P	Tuition Rate Procedures – APSSD (M)
R 6152.01P	Non-Allowable Costs – APSSD (M)
R 6160	Grants from Private Sources
R 6620P	Petty Cash – APSSD

R 6152P TUITION RATE PROCEDURES – APSSD

A. 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.

1. When determining the actual allowable costs for the program, the Board shall ensure the costs are:

   a. Based on all costs required for student instruction from July 1 through June 30;

   b. Consistent with the students' individualized education programs (IEP);

   c. Inclusive of all costs required to implement all students' IEPs and all related services, except as set forth in A.5. below;

   d. Reasonable, that is, ordinary and necessary and not in excess of the cost that would be incurred by an ordinarily prudent person in the administration of public funds; and

   e. Based on goods actually received and placed in service and/or services rendered in the fiscal year expensed.

2. If any of the APSSD's quarterly financial reports, completed pursuant to N.J.A.C. 6A:23A-18.5(a)11, 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 (Commissioner) or designee that such an increase will be charged and the reason for the increase on or before the following dates: December 15 for the first quarter; March 15 for the second quarter; June 15 for the third quarter; and September 15 for the fourth quarter; or the next business day when applicable. 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.



a. If the sending district Board of Education and the Commissioner or designee are not notified on or before the dates noted in A.2. above, the APSSD may charge an increase that shall not exceed ten percent of the tentative tuition rate charged.

b. The notification required in A.2.a. above shall contain a detailed statement outlining changing costs and/or enrollment, the reasons for the changes, including management's response to same, and the reason(s) the changes are not offset by decreases in costs. If the notification does not include this statement, the Commissioner or designee may prohibit an APSSD from charging an increase above ten percent.

3. Costs for the program shall include instructional costs and administrative costs, as defined in the chart of accounts, as follows:

a. For the 2017-2018 school year, minimum instructional costs of fifty-five and a half percent and maximum administrative costs of twenty-four and a half percent;

b. For the 2018-2019 school year, minimum instructional costs of fifty-six percent and maximum administrative costs of twenty-four percent;

c. For the 2019-2020 school year, minimum instructional costs of fifty-six and a half percent and maximum administrative costs of twenty-three and a half percent;

d. For the 2020-2021 school year, minimum instructional costs of fifty-seven percent and maximum administrative costs of twenty-three percent; and

e. For the 2021-2022 school year and thereafter, minimum instructional costs of fifty-seven and a half percent and maximum administrative costs of twenty-two and a half percent.

4. Unless otherwise determined pursuant to B. below, 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.

a. An APSSD shall report all tuition rates on a per diem and school-year basis, calculated as the number of enrolled days in the school year multiplied by the per diem rate.

b. An APSSD that operates both a ten-month and an extended school year program shall report tuition rates for both the July/August through June and September through June school years.

5. Except for extraordinary services, an APSSD shall provide required related services in the scope of services rendered pursuant to the tuition contract and may not bill the sending district Board of Education separately for related services that are required by a student's initial or any subsequent IEP with limited exception. If the related service required by an IEP is beyond what is typically provided during the school day, or the nature of the related services requires that it be provided beyond the school day/operating hours, the APSSD may address the costs and provision of such related services through a separate agreement with the sending district. However, if such related services beyond that typically provided during the school day or beyond the school day/operating hours are not in the scope of services rendered under the tuition contract, nothing in N.J.A.C. 6A:23A-18.3 or this Regulation shall prevent a sending district Board of Education from providing those services itself or separately contracting for those services with an approved service provider other than the APSSD.

6. 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.

7. 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.

8. 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.

B. An APSSD may charge one tuition rate per school location for the school year. Prior to June 30, 2017, 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. An APSSD that did not receive written approval to charge separate tuition rates by class type and by school location prior to July 1, 2017, shall not be permitted to do so for the school year beginning July 1, 2017, and thereafter. An APSSD that was approved prior to June 30, 2017, to charge by class type shall:

1. Maintain bookkeeping and accounting records by class type and school location for the school year;

2. Charge a separate tuition rate for each class type served;

3. Prepare, in the Department-prescribed format, the audited costs by class type for the first two years that tuition is charged by class type, which will allow the Commissioner to determine the tentative tuition rates in accordance with I. below; and

4. Determine, on a pro rata basis and when it is not possible to charge the actual amount expended, the individual share of a particular allowable cost item for a class type, in accordance with the following ratios or an alternative method approved by the Commissioner:

   a. Ratio of ADE in each class type to the total ADE;

   b. Ratio of square feet of floor space in each class type to the total square feet of floor space used; or

   c. Direct costs.

C. 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.

D. 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 as follows:

1. The expenditures included in the indirect cost pool shall be related to the APSSD's function(s), operation(s), and/or program(s); and

2. Salary expenditures and associated fringe benefits included in an indirect cost pool shall be for individuals who are assigned, pursuant to a contract and/or job description, to perform work related to the APSSD's function(s), operation(s), and program(s).

E. An entity that operates only as an APSSD and operates one or more tuition programs at one or more locations shall charge costs as follows:

1. Direct costs for each program as determined pursuant to C. above; and

2. Indirect costs, as defined in D. above, are calculated in accordance with any of the following:

a. An equitable allocation plan approved in writing by the Commissioner or designee;

b. Ratio of direct costs for each program determined pursuant to C. above to total direct costs; or

c. Ratio of ADE for each program to total ADE.

F. An entity that operates other programs in addition to an APSSD program(s) at one or more locations shall charge their costs as follows:

1. Direct costs for each program as determined pursuant to C. above;

2. Indirect cost centers established as follows:

a. A cost center that shall include indirect costs that are allowable costs in accordance with N.J.A.C. 6A:23A-18; and

b. A cost center that shall include indirect non-allowable costs in accordance with N.J.A.C. 6A:23A-18.

3. Allowable indirect costs, charged pursuant to F.2.a. above, may be included on a consistent basis in the respective actual cost per student in accordance with:

a. An equitable allocation plan approved by the Commissioner or designee;

b. Ratio of direct costs for each program determined pursuant to C. above to total direct costs; or

c. Ratio of ADE for each APSSD to total ADE.

G. 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 according to the ratio of the square footage of the portion of the facility used for activities associated with the APSSD program(s), operation(s), and/or function(s) to the square footage of the total facility. Indirect costs for using the APSSD's facilities in any other manner shall not be included in the certified actual cost per student.

1. If any facility or portion thereof as set forth in G. above are jointly used by the APSSD for the APSSD program(s), operation(s), and/or function(s), and for unrelated activities and/or enterprises by related or unrelated parties, the direct and indirect costs associated with the facility and operations shall be charged according to the ratio of the time used for activities associated with the APSSD program(s), operation(s), and/or function(s) to the total time the facility is used for any purpose.

H. A tentative tuition rate, calculated in accordance with I. and J. below, shall be established by a written contractual agreement between the APSSD and the sending district Board of Education. The tentative tuition rate charged shall not exceed the maximum tentative tuition rate, calculated in accordance with I. and J. below, for the ensuing school year, and shall not be changed during the school year regardless of the APSSD's financial or other circumstances. The written contract shall be on the mandated tuition contract form prescribed by the Commissioner and shall be executed prior to a student's enrollment.

1. The contractual agreement shall require the sending district Board of Education to pay a tentative tuition charge based upon a per diem rate for the total number of days the student is enrolled during the month, for each month the student is enrolled. The per diem rate is determined by dividing the tentative tuition rate for the school year by the estimated number of days school will be in session, but not less than 180 days, and rounding to the nearest two decimal places.

2. If applicable, the contractual agreement shall require the sending district Board of Education to pay the APSSD the tentative tuition charge for extraordinary services.

3. The contractual agreement shall require the sending district Board of Education to pay the APSSD the tentative tuition charge based on one of the following options as determined by the APSSD. The APSSD shall use the same option for all students enrolled in the APSSD:

a. Option 1: A sending district Board of Education shall pay the APSSD no later than the first day of each month prior to the services being rendered.

(1) For a student already enrolled in the APSSD, the sending district Board of Education shall pay the tentative tuition charge by the first day of the second month after services begin. A sending district Board of Education that fails to pay tuition by the thirtieth day after services begin may be charged interest by the APSSD calculated at the rate of one percent per month on the unpaid balance.

(2) For a student enrolled after the first day of the month, the sending district Board of Education shall pay the tentative tuition charge for the first two months of enrollment no later than sixty days after the first day services begin. Payment in subsequent months is due by the first of each month prior to the services being rendered. A sending district Board of Education that fails to pay tuition by the thirtieth day after services begin may be charged interest by the APSSD calculated at the rate of one percent per month on the unpaid balance.

b. Option 2: A sending district Board of Education shall pay the APSSD no later than sixty days after the last day of each month in which services were rendered. A sending district Board of Education that fails to pay tuition by the sixtieth day after the last day of a month in which services were rendered may be charged interest by the APSSD calculated at the rate of one percent per month on the unpaid balance.

I. 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 as follows:

1. The maximum tentative tuition rate per student shall equal the product of the audited actual cost per student for the school year prior to the current school year inflated by twice the tax levy growth limitation of two percent and any applicable change to this percentage identified in N.J.S.A. 18A:7F-38, or the consumer price index (CPI) as defined in N.J.S.A. 18A:7F-45, whichever is greater.

2. The maximum tentative tuition rate shall include:

a. For profit-making schools, the annual surcharge permitted in accordance with N.J.A.C. 6A:23A-18.7; and

b. For nonprofit schools, a public school placement restricted working capital fund in accordance with N.J.A.C. 6A:23A-18.8.

J. The Commissioner or designee may approve a higher tentative tuition rate for any year in which the APSSD can demonstrate, to the Commissioner's or designee's satisfaction, that the maximum tentative tuition rate for the ensuing fiscal year is inadequate and would cause an undue financial hardship on the APSSD.

1. In the event of such hardship claim, the APSSD shall submit its request for a higher tentative tuition rate for the entire school year to the Commissioner or designee no later than January 31 preceding the beginning of the ensuing school year. The APSSD shall submit the request with appropriate documentation, which shall include, but may not be limited to, the following information:

a. A budget reflecting projected costs, working capital fund or surcharge, estimated enrollment, and the requested tuition rate based on this information;

b. A detailed narrative prepared by the APSSD's administration and/or management demonstrating the need for increases in excess of increases already provided in the tentative tuition rate calculation; and

c. A properly completed interim financial report in the format prescribed by the Commissioner or designee for the six months of operations ending December 31 immediately preceding the school year.

K. 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 A. above.

L. If the Commissioner or designee determines the tentative tuition rate for the school year established pursuant to I. and J. above is greater than the final tuition rate charged for the school year, the APSSD shall pay or credit the difference to subsequent tuition bills for each sending district Board of Education no later than June 30 of the school year in which the final tuition rate charged is approved by the Commissioner or designee or not more than thirty days after an appeal of a certified amount is resolved. The same final tuition rate charged shall be charged to each sending district Board of Education.

M. If the tentative tuition rate for the school year established by written contractual agreement pursuant to H. above is less than the final tuition rate charged for the school year, the APSSD may charge each sending district Board of Education all or part of the difference owed, but the same final tuition rate shall be charged to each sending district Board of Education. The sending district Board of Education shall pay the difference on a mutually agreed upon date during the second school year following the year for which the actual certified cost per student is approved by the Commissioner or designee.

N. 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.

O. 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. Except for administrative job titles referenced in P. below, maximum allowable salaries are based on the highest contracted salaries (not including payment of unused sick and vacation days and severance pay) of certified staff by job title in a district Board of Education for any prior year, indexed by the average increase in salary between the two preceding school years for each job title. The salaries are based on a twelve-month contract period from July 1 through June 30 and the maximum allowable salary of an APSSD staff member shall be prorated for staff employed for less than twelve months. Under no circumstances shall the maximum allowable salary calculated be less than the corresponding salary in the prior year for the same job title and county. Unrecognized job titles shall be correlated to similar job titles in public schools based on their functional activities. The maximum allowable salary of a staff member holding a part-time or split-time position shall be prorated including the salary of staff employed in entities defined in E. and F. above.

1. Effective July 1, 2017 through June 30, 2024, maximum allowable salaries pursuant to O. above shall be published at the rates contained in the maximum allowable salary list published for the 2016-2017 school year, with the following exceptions:

    a. Beginning July 1, 2017, the maximum published salaries for the job titles of occupational therapist, physical therapist, and speech and language specialist shall increase annually from the 2016-2017 published list of maximum allowable salaries by CPI determined consistent with N.J.S.A. 18A:7F-45;

b. Beginning July 1, 2017, the Commissioner or designee shall publish a maximum allowable salaries list that contains the total maximum hourly rate for occupational therapists, physical therapists, and speech and language specialists contracted by APSSDs as purchased service providers or independent contractors. The published total hourly rates shall include an allowance of thirty-five percent more than the maximum allowable salary rate calculated and published pursuant to O.1.a. above for the same job titles. The total maximum hourly rates shall be applicable only to contracted service providers;

c. An APSSD may contract with an approved clinic and/or agency pursuant to N.J.A.C. 6A:14-5.1(c) and 5.2 and may pay the approved clinic or agency for the contracted services at a rate above the maximum allowable salary published rate detailed in O. above, provided the APSSD:

(1) Acquires quotes for the contracted services from at least three approved clinics or agencies prior to contracting with an approved clinic or agency. If any of the three approved clinics or agencies are a related party, the APSSD shall contract with the lowest of the three quotes; and

(2) Provides documentation of the three quotes required by O.1.c.(1) above to the Department upon request.

2. Subparagraphs O.1.a. and O.1.b. above shall sunset on June 30, 2024, and the Commissioner or designee shall resume use and publication of a list of maximum allowable salaries calculated pursuant to O. above.

3. Beginning with the 2021-2022 fiscal year, the Department shall initiate a study examining the maximum allowable salary structure. In conducting the study, the Department may seek and/or include input from an APSSD representative(s). The study shall include a data-driven review of maximum salaries and recommendations, if any, for changes to the maximum allowable salary calculation formula contained in O. above and P. below.

P. 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. Maximum allowable salaries are based on the highest contracted salary (not including payment of unused sick and vacation days and severance pay) by administrative job title for the entire State in a district Board of Education, Special Services District Board of Education, and

Educational Services Commission with comparable average daily enrollments for any prior year, indexed by the average increase in salary between the two preceding school years for each job title. The salaries are based on a twelve-month contract period from July 1 through June 30 and the maximum allowable salary of the APSSD staff member shall be prorated for staff employed for less than twelve months. Each district Board of Education, Special Services District Board of Education, and Educational Services Commission with an ADE equal to or less than the highest APSSD's ADE will be considered comparable. Under no circumstances shall the maximum allowable salary calculated be less than the corresponding salary in the prior year for the same job title. The maximum allowable salary of a staff member holding a part-time or split-time position shall be prorated including the salary of staff employed in entities defined in E. and F. above.

1. Effective July 1, 2017 through June 30, 2024, maximum allowable salaries established pursuant to P. above shall be published at the rates contained in the maximum allowable salary list published for the 2016-2017 school year;

2. Paragraph P.1. above shall sunset on July 1, 2024, and the Commissioner or designee, shall resume use and publication of a list of maximum allowable salaries calculated pursuant to P. above.

Q. 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 an 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 P. above.

R. For non-administrative individual employees, the Commissioner or designee may approve a salary higher than the maximum allowable salary identified in O., P., or Q. above. Approval may be given for no more than two APSSD employees in any fiscal year in which the APSSD demonstrates, to the Commissioner's or designee's satisfaction, the maximum allowable salary is inadequate and would cause a hardship to the APSSD. The hardship exception will be granted in limited circumstances and only if the Commissioner or designee determines the APSSD has demonstrated an exception is warranted based upon the following:

1. The APSSD shall submit an application to the Commissioner or designee postmarked or electronically transmitted no later than the May 1 preceding the applicable school year. The APSSD shall submit the application with appropriate documentation that shall include, but not be limited to, the following:

   a. Detailed information on the staff member for whom the increase is sought, including, but not limited to, job title and related description, experience and credentials, hire date, previous salary information and new salary sought, accomplishments/achievements of note, and publications or the like. If applicable, the APSSD shall include the same detailed information for all staff employed under the same job title;

   b. A detailed budget demonstrating the impact the increased salary would have on the projected total expenditures, ADE, and budgeted tuition rate, if any;

   c. Detailed explanation of the need for a salary above the maximum allowable rate; and

   d. An outline of the educational impact of the employee.

2. The Commissioner or designee shall review the application and respond in writing to the APSSD by June 30 of the school year preceding the applicable school year; and

3. Applications solely based on the length of service of the employee or familiarity with the school will not be granted.

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 and who require the services of an APSSD staff person, the ADE for tuition-rate purposes shall be computed as follows:

1. Regardless of the time period the student is enrolled in a program outside the APSSD, the student shall be considered a full-time APSSD student, the student's ADE shall be considered as 1.0, and the sending district Board of Education shall pay the full-time tuition rate.

2. The sending district Board of Education shall pay all costs associated with the transition service if it involves a third party.



T. 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 as follows:

1. The APSSD shall calculate the student's ADE based on the number of hours enrolled in the APSSD's program relative to the total number of possible hours of the APSSD's program.

2. The sending district Board of Education shall pay all costs associated with the transition service if it involves a third party.

U. 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.

R 6152.01P NON-ALLOWABLE COSTS – APSSD

Costs that are not allowable in the calculation of the certified actual cost per student shall include the following:

1. Administrative costs in excess of, and/or instructional cost less than, the percentages indicated in N.J.A.C. 6A:23A-18.3(a)3;

2. Costs for maintaining an administrative office in a private home or other residence;

3. Advertising costs in excess of 0.5 percent of the APSSD's actual allowable costs, not including advertising;

4. Costs associated with lobbying, including salaries and fringe benefits;

5. Costs other than those governed by paragraph 50. below associated with lobbying in an attempt to influence:

   a. The outcome(s) of any Federal, State, or local referendum, initiative or similar activity; or

   b. The introduction, enactment, or modification of Federal or State legislation or a State rulemaking.

6. The salary of a professional staff member, consultant, or subcontractor, including a member of a management company, who is not certified but is functioning in, or contracted to perform the duties of, a position requiring certification in accordance with N.J.A.C. 6A:9B or bachelor's or master's degree pursuant to N.J.A.C. 6A:23A-18.6;

7. The salary and fringe benefits of a staff member, or any payment(s) to a purchased service provider, for time not expended and/or services not performed except in accordance with paragraph 56. and 57. below;

8. A salary in excess of the associated maximum allowable salary determined pursuant to N.J.A.C. 6A:23A-18.3(o), (p), and (q) for a staff member or consultant whose position requires certification, license, or a bachelor's or master's degree, including a Director, Assistant Director, Executive Director, and Business Manager:

a. An APSSD shall prorate salaries for such part-time or split-time positions, including salaries in entities described in N.J.A.C. 6A:23A-18.3(e) and (f);

b. The part-time and split-time maximum allowable salary shall be calculated as follows:

(1) Multiply the staff member's total salary by the percentage of time attributed to the APSSD position;

(2) Multiply the maximum allowable full-time salary for the position by the percentage of time attributed to the APSSD position; and

(3) Subtract the amount calculated in subparagraph 8.b.(2) above from the amount calculated in subparagraph 8.b.(1) above. If the result is greater than zero, this is the non-allowable part-time or split-time salary.

9. A salary of an employee not covered by paragraph 6. above in excess of the lowest maximum allowable salary in the same county according to the list of maximum allowable salaries determined in N.J.A.C. 6A:23A-18.3(o), (p), and (q) whose position does not require certification, license, or bachelor's degree, including an individual with the Director, Assistant Director, Executive Director, or Business Manager job title whose job function(s) are not consistent with those functions described in N.J.A.C. 6A:23A-18.2:

a. An APSSD shall prorate salaries for such part-time or split-time positions, including salaries in entities described in N.J.A.C. 6A:23A-18.3(e) and (f); and

b. The part-time and split-time maximum allowable salary is calculated as follows:

(1) Multiply the staff member's total salary by the percentage of time attributed to the APSSD position;

(2) Multiply the lowest maximum allowable salary in the same county by the percentage of time attributed to the APSSD position; and

(3) Subtract the amount calculated in subparagraph 9.b.(2) above from the amount calculated in subparagraph 9.b.(1) above. If the result is greater than zero, this is the non-allowable part-time or split-time salary.

10. Costs of fringe benefits when based on and/or associated with a non-allowable salary;

11. Legal, accounting, or consultant fees resulting from a frivolous challenge to a State audit or financial review or the prosecution of a claim against the State. The Commissioner shall determine whether the challenge is frivolous by considering factors including, but not limited to, the following:

    a. Overall merit of the claim; or

    b. Whether the challenge serves the public interests.

12. Consultant fees for services that fail to meet the following standards:

    a. The work of the consultant shall be detailed in an executed written contract signed by both parties that includes:

        (1) A detailed description of the nature of the services to be provided;

        (2) Duration of the contract;

        (3) Detailed fee information;

        (4) Fee payment schedule(s);

        (5) The approximate number of days to complete the work; and

        (6) The anticipated product or outcome of the work.

    b. The work performed by a consultant who does not possess the appropriate school certification when such certification exists.

13. Total contributions, donations, awards, and scholarships in excess of $750;

14. Depreciation unacceptable under N.J.A.C. 6A:23A-18.5(a)3 and 4 and depreciation:

    a. On donated goods and assets;

    b. Not based on estimated straight-line method;

c. On automobiles in excess of the dollar or percentage limitation contained under Internal Revenue Code (IRC) Section 280F, including any passenger vehicle not used in transporting students or supplies without regard to weight class exceptions defined in Section 280F(d)(5)(A);

d. On a stepped-up basis resulting from the sale to a related party as defined in IRC Section 318 for Constructive Ownership of Stock. For a nonprofit organization, Section 318 will apply to the members of the Board of Trustees or related parties as defined in IRC Section 267(b) or 267(c) unless the gain from such a sale was used to offset tuition for a prior year; or

e. On a stepped-up basis from transfer from one spouse to another upon death as defined in IRC Section 1014.

15. The cost of:

a. Depreciation associated with the purchase and ownership of any passenger vehicle not used for transporting students or supplies purchased on or after July 1, 2017, if:

(1) The depreciable basis upon which depreciation is calculated exceeds $30,000;

(2) The depreciation expensed exceeds allowable depreciation calculated on the straight-line basis over a period of not less than five years; or

(3) The depreciation expensed is attributable to a passenger vehicle that has been assigned to, or used on a regular basis, by an APSSD staff member who is not the APSSD Executive Director, Director, and/or owner.

b. Vehicle lease payments made pursuant to the lease agreement entered into, on, or after July 1, 2017, when:

(1) The annual lease payment(s) exceeds the annual depreciation allowable on an owned passenger vehicle with a maximum depreciable basis of $30,000; or

(2) The lease payments are for a leased passenger vehicle that has been assigned to, or used on a regular basis by, an APSSD staff member who is not the APSSD Executive Director, Director, and/or owner.

16. Investment expenses associated with the purchase/sale of stock, securities, other investment instruments, or other investments not associated with the education of students with disabilities;

17. Total costs in excess of $500 incurred for entertainment expenses;

18. The cost of food/beverages in excess of $1,500 for activities such as, but not limited to, staff meetings, parent/teacher meetings, workshops, and professional development seminars for parents or teachers;

19. Costs from a fine or penalty resulting from a violation of, or failure by, the APSSD to comply with a Federal, State, and/or local law or rule;

20. Meal costs in excess of the limits set forth in N.J.A.C. 6A:23A-18.23;

21. The cost of keyman insurance except where a term insurance policy is required by a lender as collateral for a loan;

22 The cost of an employee's life insurance coverage, both term and whole life policies, in excess of three and a half times the employee's gross salary;

23. Costs for fringe benefits as follows:

a. When the benefits are determined in an arbitrary or capricious manner, including, but not limited to, class of employee, whether by title or position rather than according to an existing written uniform policy based on an equitable standard of distribution, such as years of service or education. The criteria cannot be exclusionary regardless if based on an equitable standard of distribution, such as years of service or education;

b. When the fringe benefit has not been adopted by the APSSD's Board of Trustees at a Board meeting prior to the benefit's implementation, documented in the meeting minutes, and the employees were not made aware of the policy; or

c. When the benefit is not listed in N.J.A.C. 6A:23A-18.5(f) or not approved by the Commissioner or designee.

24. The cost of fundraising, including, but not limited to, costs for a financial campaign, an endowment drive, or solicitation of a gift and bequest to raise capital or obtain a contribution;

25. Goodwill;

26. Interest costs on loans when:

    a. Interest is in excess of the general prevailing rate at the time the loan was taken;

    b. The loan is a less-than-arm's length/related party transaction that has not been previously approved by the Department and has not been repaid in accordance with the Department's approval letter; or

    c. The loan is not exclusively used to meet educational program needs.

27. Interest costs on long-term loans or mortgages if:

    a. The loan is used for other than financing of fixed assets;

    b. The loan is not secured by the fixed asset being financed; or

    c. The interest costs are on the portion of the loan term that exceeds the recovery period for depreciation of the fixed asset securing the loan.

28. A loss incurred on the sale or exchange of fixed assets between related parties;

29. The write-off of uncollected accounts receivable (bad debts):

    a. Before three years has elapsed and before a reasonable effort has been made to collect such accounts receivable; or

    b. That arise out of the APSSD's provision of:

        (1) Extraordinary services;

        (2) Services to students placed by an out-of-State agency; or

        (3) Services to private placement students.

30. An ordinary living expense for a student that is normally assumed by the parent of a student attending a public day school;

31. Retirement plan costs that are:

    a. Not in conformance with the Employee Retirement Income Security Act of 1974, P.L. 93-406 (ERISA) and its successor legislation, and that exceed costs allowed by the Internal Revenue Service;

    b. For a non-qualified retirement plan(s);

    c. For a defined contribution plan in excess of the maximum percentage and maximum dollar amount, (see IRC Section 415(c)) as the lesser of one hundred percent of the employee's compensation or $53,000 as adjusted annually in IRC;

    d. For a defined benefit plan in excess of an amount, by employee, that would allow the defined plan to provide a benefit in excess of the percentage of the employee's number of years of service divided by fifty-five times the highest three-year average salary and at an age prior to age fifty-five;

    e. For contributions to a retirement plan that are not applied consistently in accordance with paragraph 23. above even if in compliance with ERISA. Such excess contributions will be deemed a non-allowable cost;

    f. Not paid to a qualified plan within nine months of the end of the APSSD's fiscal tax year;

    g. Not paid in accordance with the fringe benefits criteria in paragraph 23. above; and

    h. If applicable, not in conformance with a church plan as defined in ERISA.

32. Costs of a contingent pay increase or merit pay award when the amount(s) was not in accordance with N.J.A.C. 6A:23A-18.5(a)14 or 15 or the contingent pay increase or merit pay award(s) is inconsistent with the plan(s) submitted to and approved by the Commissioner or designee, prior to implementation;

33. Costs for the payment of a bonus:

    a. "Bonus" means payment to an employee that meets any of the following pursuant to N.J.A.C. 6A:23A-18.2:

        (1) Is not part of the employee's executed contracted salary;

(2) Is not part of the employee's base salary in the subsequent school year;

(3) Is arbitrary and not based on any specific criteria or qualifications; or

(4) Is paid solely at the discretion of management.

34. Costs for a loss on an investment;

35. Costs associated with a research activity, including, but not limited to, staff salaries, supplies, or printing and reproduction of material;

36. Payment of Federal, State and local income taxes on income other than tuition;

37. Costs associated with travel to and from the officer's or employee's home and the school or agency;

38. Costs for all personal expenses, such as a personal travel expense or repair on a personal vehicle;

39. Costs associated with personal use of an APSSD-owned or -leased vehicle, including, but not limited to, to/from work commutation as determined pursuant to N.J.A.C. 6A:23A-18.5(a)18;

40. Costs associated with an APSSD-owned or -leased vehicle or a vehicle contained in a related party transaction involving the purchase of transportation services where a detailed daily mileage log documenting vehicle usage was not maintained;

41. A business-incurred charge for a privately owned vehicle in excess of the mileage rate allowed by the IRS for automobile travel;

42. Transportation costs for a student to and from school, except where the student's individualized education programs (IEP) requires after-school activities;

43. Rental costs for buildings and equipment when the lessor is not a separately identifiable legal entity;

44. Costs related to transactions between related parties in which one party to the transaction is able to control or substantially influence the actions of the other. Such transactions are defined by the relationship of the parties and include, but are not limited to, transactions between divisions of an institution; institutions or organizations under common control through common officers, directors, members, or owners; and an institution and a director, trustee, officer, or key employee of the institution or his or her immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest. Such costs shall include, but are not limited to:

    a. Rental costs for buildings and equipment in excess of the actual allocated costs of ownership (for example, straight line depreciation in accordance with N.J.A.C. 6A:23A-18.5(a)3, mortgage interest, real estate taxes, property insurance, and maintenance costs) incurred by the related property owner including a two and a half percent return calculated on the actual costs of ownership incurred by the related party. The APSSD shall submit a cost of ownership form in a Commissioner-supplied format. The property or business owner shall sign and notarize the cost of ownership form and include a copy of the lease agreement, and a list of anticipated costs to be incurred by the property owner;

    b. Rental costs under a sub-lease arrangement with a related party for buildings and equipment in excess of the actual allocated costs related to the lease (such as rent, lease commission expense, and maintenance costs) incurred by the sub-lessor. Profit, return on investment, or windfall of any kind shall not be included in the sub-rental cost. The sub-lease agreement shall include a list of anticipated costs to be incurred by the sub-lessor and shall be signed by the sub-lessor and notarized;

    c. Cost of purchasing/lease purchasing buildings, equipment or other goods from related parties in excess of the original cost to the related party, less depreciation calculated using the straight-line method;

    d. Cost of personal services paid to a related party when the services are provided by an employee of, or consultant to the APSSD acting as an employee or agent of the related party. Cost of personal services includes all remuneration, paid or accrued, for services rendered during the school year, including, but not limited to, wages, salaries, management fees, and fringe benefits; and

e. Cost of the purchase of goods or services from a related party in excess of the actual allocated costs of providing the purchased goods and/or services, including, but not limited to, salaries, fringe benefits, insurance, operation, maintenance, straight-line depreciation incurred by the related party owner. Costs may include a two and a half percent return calculated on the actual costs of ownership incurred by the related party. The APSSD shall file a cost of ownership form in a Commissioner-prescribed format. The cost of ownership form shall be signed by the property or business owner and shall include a copy of the purchase agreement, and a list of anticipated costs to be incurred by the related party.

45. Cost of a less-than-arm's length/related party transaction when the related party and/or the APSSD, as applicable, does not:

a. Provide to the Commissioner documentation on Commissioner-prepared forms to support the actual costs of ownership, or does not allow the Commissioner access to such information for review and audit during normal business hours. Documentation shall include, but not be limited to:

(1) The related parties' tax returns;

(2) The related parties' invoices received, payroll and payroll tax records, bills and canceled checks, or electronic transfer records concerning the transaction; and

(3) Any other document(s) requested by the Department.

b. Disclose the related party relationship on Commissioner-prepared forms pursuant to N.J.A.C. 6A:23A-18 and N.J.A.C. 6A:23A-19.

46. Rental costs under sale and leaseback arrangements in excess of the amount that would be allowable if the APSSD continued to own the property;

47. Indirect and direct costs that are:

a. For unrelated activities or enterprises as defined in N.J.A.C. 6A:23A-18.3(g); or

b. Unrelated to the function, operations, and/or program of an APSSD as defined in N.J.A.C. 6A:23A-18.3(d).

48. Costs for the year-end audited financial statements when prepared by an individual who does not meet the requirements in N.J.A.C. 6A:23A-18.10(a);

49. Costs for membership in civic, business, technical, and professional organizations when the cost is:

    a. Not reasonably related to the value of the services or benefits received;

    b. For membership in an organization that devotes any activity(ies) to influencing legislation or State regulation(s) not directly related to the educational instruction program of students with disabilities and the activity(ies) is not subsidized by sources other than membership fees from APSSDs;

    c. Not an established annual rate charged to all members, but one that is periodically adjusted during the year; or

    d. Not supported by an annual affidavit signed by the organization's Board of Trustees indicating all legal and lobbying costs not directly associated with the educational instruction programs for students with disabilities were funded by sources other than dues from APSSDs.

50. A staff member's salary that is not properly supported by the employee's time record in a format prescribed or approved by the Commissioner in accordance with N.J.A.C. 6A:23A-18.5(a)10;

51. A salary or payment made to a member(s) of the Board of Trustees for services performed in his or her capacity as a member of the Board of Trustees;

52. Cost of a pension plan contribution made on behalf of, and/or medical benefits for, current or retired members of the Board of Trustees;

53. Cost of medical benefits for retired employees who have not reached the age of fifty-five and who were employed a combination of less than twenty-five years in a New Jersey public school, a New Jersey public agency, or a New Jersey APSSD and have less than ten years of service in an APSSD;

54. Costs of salaries and fringe benefits of unrecognized position titles not properly approved pursuant to N.J.A.C. 6A:9B-5.5;

55. Cost of employee severance pay:

    a. In excess of four weeks' salary; and

    b. If, in addition, the cost of a buyout of the employee's contract.

56. Cost of a buyout of an employee contract:

    a. In excess of ninety days' salary; and

    b. If, in addition, the cost of the employee's severance pay.

57. Cost of a salary or consultant fee paid to a full-time employee or consultant for performing more than one administrative function in the APSSD;

58. Cost to purchase or rent an administrative office or business office at a location other than at the APSSD location that was not approved pursuant to N.J.A.C. 6A:23A-18.5(d);

59. Cost of compensation increases paid after the start of the fiscal year not in accordance with N.J.A.C. 6A:23A-18.5(k);

60. Start-up costs in excess of costs allowed pursuant to N.J.A.C. 6A:23A-18.4(d);

61. Costs of salaries and fringe benefits for employees providing services that are not in compliance with N.J.A.C. 6A:23A-18.5(e)2;

62. The cost of a fine levied pursuant to N.J.S.A. 18A:6-7.5 for any staff member who does not have:

    a. A criminal history clearance prior to starting employment; or

    b. An application for employment on an emergent basis in accordance with N.J.S.A. 18A:6-7.1c.

63. Legal costs for an APSSD and/or for an APSSD representative(s), including an owner, employee, or agent who has plead guilty and/or is found to be guilty or liable in a case involving the misuse of funds, fraud (criminal or civil), or endangerment or abuse of a child(ren);

64. The salary in excess of the associated maximum salary identified in N.J.A.C. 6A:23A-18.3(q) and determined in accordance with N.J.A.C. 6A:23A-18.5(o) and (p);

65. Costs found to be patently unreasonable by the Commissioner or designee, or an independent auditor/accountant;

66. Cost(s) of payments made to an individual employee(s) for earned unused sick benefit that is in excess of one percent of the individual employee's contracted salary amount during the fiscal year in which the payment is made;

67. Proportional costs of salary and fringe benefits for any administrative staff member, as defined in N.J.A.C. 6A:23A-18.3(o), with the exception of Principal and unrecognized position titles in the administrative category, that are in excess of a total of 3.0 Full-Time Equivalent (FTE) administrative positions per APSSD, per fiscal year. If the combined administrative positions exceed 3.0 FTE, the disallowed amount will be apportioned equally across all of the positions;

68. Costs associated with travel, defined in N.J.A.C. 6A:23A-18.21, that:

    a. Exceed .0025 of the total actual allowable costs, less travel costs, in a fiscal year for an APSSD, or $20,000, whichever is less; and/or

    b. Violate the provisions of N.J.A.C. 6A:23A-18.21(g).

69. Costs associated with waiver of health insurance coverage that violate the provisions of N.J.A.C. 6A:23A-18.5(f)1;

70. Costs associated with depreciation of leasehold improvements that violate N.J.A.C. 6A:23A-18.5(a)4;

71. Costs of the salary, benefits, or other compensation provided to an APSSD employee or contractor/consultant who is receiving retirement benefits as a result of his or her retirement from the APSSD after two calendar years have expired since the individual began retirement;

72. Costs associated with undocumented outflows from petty cash, pursuant to N.J.A.C. 6A:23A-18.5(a)16; and

73. Costs associated with the failure to comply with the requirements of N.J.A.C. 6A:23A-18.5(d).

Issued: 24 October 2019

R 6160 GRANTS FROM PRIVATE SOURCES

The Board of Trustees encourages and will accept funding from private sources, in accordance with Policy 6160. The following regulations govern the development and processing of private funding proposals.

A. Sources

1. The Administrative Team shall research sources of private funding through individuals and foundations. He/She shall prepare a list of appropriate funding sources in the community and State.

2. All school employees are encouraged to be alert to possibilities for private resources for school aid, financial and in-kind, from community members and organizations. Any such possibility should be reported to the Executive Director, who will explore the potential for aid with the employee and, as appropriate, the private resource.

3. The Executive Director or designee will visit the directors of foundations interested in educational progress and research to explore areas of mutual interest. He/She will determine whether the foundation will support specific program grants, graduate work for teaching staff members, the construction and/or improvement of school facilities, professional growth activities, arts education, community education, community and school liaison activities, and so forth.

4. The Administrative Team will identify specific school needs and formulate proposals for funding that meet those needs.

B. Approval

Any proposal for private funding must be submitted to the Executive Director before it is formally submitted to the Board of Trustees for approval. The rationale for the proposal must set forth the objectives for the funding, the proposed program statement, and the means by which the objectives will be evaluated.

Issued: 24 October 2019

R 6620P PETTY CASH - APSSD

Each petty cash fund established by Policy 6620P shall be administered in accordance with the following rules:

A. Authority

1. The custodian of the fund shall assume direct control of the fund or assign direct control to a responsible school employee under his/her direct supervision. (Hereinafter, "custodian" includes the custodian's designee.)

2. 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.

3. Each deposit and expenditure shall be promptly and accurately recorded.

B. Withdrawal

1. 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.

2. Each person who seeks petty cash funds shall prepare and sign a written request stating the amount requested and the purpose of the funds. The requestor will supply receipts or invoices as appropriate to support the request, and all such documents will be attached to the request.

3. The custodian will prepare a disbursement slip for each expenditure that records the date, amount of the expenditure, purpose of the expenditure briefly stated, and the name of the requestor.

4. The person who receives the funds will acknowledge receipt by signing the disbursement slip. The disbursement slip will be attached to the request for expenditure.

5. Any check drawn on a petty cash fund shall be in the exact amount of the request submitted for reimbursement.

6. No cash shall be released from the petty cash box to any person as a loan or in change for a personal check, but change may be made from the petty cash box on a direct exchange of funds in equal amounts.

7. No single petty cash expenditure may exceed the amount established by Policy 6620P. No request for funds or supporting receipts will be divided so as to circumvent this rule.

8. At the end of each school day, the custodian will lock the petty cash box and place it in a secure and locked place, preferably fireproof and stationary.

9. The custodian will retain and file each request for funds, with the disbursement slip and supporting documents attached.

10. 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.

C. Reimbursement

1. When the fund is required to be replenished the custodian will complete and file with the Business Manager a report on the amounts disbursed from the fund during that period.

2. The Business Manager will prepare a voucher for Board approval in an amount equal to that which was disbursed. All requests for disbursement, supporting documentation, and disbursement slips will be submitted with the request for replenishment.

3. At the end of each school year, the custodian of the fund will return the petty cash box, with remaining petty cash, and the checkbook to the Business Manager. The custodian will also complete a final report of the fund for audit.

Issued: 24 October 2019

R 7000 PROPERTY

Number	Title
R 7300.05P	Sale or Disposition of Capital Assets – APSSD
R 7410	Maintenance and Repair
R 7420	Handling and Disposal of Body Wastes and Fluids (M)
R 7420.1	Bloodborne Pathogen Exposure Control Plan (M)
R 7420.2	Chemical Hygiene (M)
R 7421	Indoor Air Quality Standards
R 7422	School Integrated Pest Management Plan (M)
R 7424	Bed Bugs
R 7430	School Safety (M)
R 7432	Eye Protection Practices (M)
R 7440P	School Security – APSSD (M)
R 7441P	Electronic Surveillance in School Buildings and on School Grounds – APSSD
R 7610	Vandalism

R 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.

A. Definitions

1. "Capital assets" means those assets which the APSSD intends to hold or continue to have in use over a long period of time. Capital assets include land, improvements to land, easements, buildings and building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, and all other tangible or intangible assets that are used in operations and that have useful lives that extend beyond a single reporting period.

2. "Equipment" means any instrument, machine, apparatus, or set of articles which meets the following criteria:

   a. It retains its original shape, appearance, and character with use;

   b. It does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;

   c. It is nonexpendable; that is, if the item is damaged or some of its parts are lost or worn out, it is more feasible to repair the item than to replace it with an entirely new unit; and

   d. Under normal conditions of use, including reasonable care and maintenance, it can be expected to serve its principal purpose for at least one year.

3. "Supplies" means an item that does not meet all the stated equipment criteria, and the cost is not more that the capitalization threshold of $2,000.

B. Bulk Sale or Non-Bulk Sale of Capital Assets

1. 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:

   a. Agree to an independent valuation of the acquired assets for the purpose of allocation of the total purchase price to the various acquired capital assets;

b. Enter into a written agreement of sale that references and incorporates the values presented in the independent valuation of the acquired capital assets. The written agreement of sale shall clearly identify the transferred capital assets and, at a minimum, include the date(s) of acquisition and historical cost(s), the date(s) of capital improvement(s) and historical cost(s), the term of depreciation, the method of depreciation, and the accumulated depreciation for financial purposes of each transferred capital asset. The written agreement of sale shall allocate the total consideration provided to the selling APSSD based upon the independent valuation of the acquired assets;

c. Within thirty days of sale, the selling APSSD shall provide the New Jersey Department of Education (Department) with a copy of the sale agreement, the independent valuation of the capital assets, and the allocation of the purchase price as defined in Internal Revenue Code (IRC) Section 1060 and documented by Internal Revenue Service Form 8594 or successor form;

d. The selling APSSD shall include in the annual audited financial statement as required by N.J.A.C. 6A:23A-18.10 in the year of sale, a separate schedule showing the sale or disposition of its assets and any corresponding tuition refund(s) to the sending district(s) based on the sale of assets (books, supplies, desks, computers, equipment under $2,000, depreciable equipment, etc.) other than Class VI or VII as defined in the IRC cited above (goodwill, going concern, etc.);

e. If the buying entity is a new or existing APSSD, establish the APSSD's beginning book value for each acquired asset using the independent valuation and the written agreement of sale, except as provided for in B.1.f. below; and

f. If the buyer is an APSSD that is a less-than-arm's-length buyer or a related party to the selling APSSD, the buying APSSD shall carry forward the selling APSSD's acquisition dates(s), historical cost(s) plus improvements, term and method of financial depreciation, accumulated depreciation, and book value of the acquired asset(s) for purposes of determining the allowable annual depreciation or amortization pursuant to the acquisition.



2. In the fiscal year of the sale or disposition pursuant to B.1. above, 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.

3. In addition to the provisions of B.1. above, the following conditions shall apply in the event of a sale of real property by an APSSD:

   a. If the selling APSSD acquires real property placed in service for the express purpose of operating the APSSD using all of the proceeds from the sale of real property within thirty business days of the sale, the selling APSSD shall not be subject to B.3.b. through B.3.d. below.

   b. The selling APSSD shall immediately deposit the proceeds received upon the sale at settlement into a bank account maintained by the APSSD and credited to the retained earnings of the profit-making APSSD or the working capital from the sale of real property account of the nonprofit APSSD, except for the simultaneous purchase of real property placed in service for the express purpose of operating the APSSD. The sale and treatment of the proceeds shall be included in a separate schedule in the annual audited financial statement as required by N.J.A.C. 6A:23A-18.10 in the year of sale and all subsequent years through the fiscal year in which any corresponding tuition refund(s) has been completed.

   c. The selling profit-making APSSD shall:

      (1) Not withdraw any amount deposited pursuant to B.3.a. above from the APSSD-maintained bank account and/or retained earnings for a period of twelve months, except to acquire real property to be owned by the APSSD and to be placed in service for the express purpose of operating the APSSD, or to distribute proceeds as provided for in B.3.c.(2) below; and

      (2) Within thirteen months after the sale, distribute the proceeds not used to acquire real property owned by the APSSD and placed in service for the express purpose of operating the APSSD from retained earnings to sending school districts that paid tuition to the APSSD during the five years of operation prior to and including the year of sale as set forth below:



(a) The amount of sale proceeds to be refunded to the sending school districts shall be equal to, but shall not exceed, the allowable accumulated depreciation of the property;

(b) The distribution shall be based on the ratio of each sending district Board of Education's total average daily enrollment (ADE) in the APSSD to the APSSD's total ADE for the five years of operation prior to and including the year of sale or disposition of the real property;

(c) Remaining proceeds may remain in the APSSD's retained earnings for use at the discretion of the profit-making APSSD's management;

(d) Interest earned on the sale proceeds shall be subject to the provisions of N.J.A.C. 6A:23A-18.7; and

(e) The APSSD shall provide a listing of the total distribution of retained earnings to the Department within ninety days of filing the required year-end audited financial statements for the year the required distribution of retained earnings is reported.

d. The selling nonprofit APSSD shall:

(1) Not withdraw any amount deposited pursuant to B.3.a. above from the APSSD-maintained bank account and/or working capital for a period of twelve months, except to acquire real property to be owned by the APSSD and to be placed in service for the express purpose of operating the APSSD, or to distribute working capital as required by N.J.A.C. 6A:23A-18.5(a)21;

(2) Within thirteen months after the sale by the APSSD, distribute the proceeds not used to acquire real property owned by the APSSD and placed in service for the express purpose of operating the APSSD, or distributed as required by N.J.A.C. 6A:23A-18.5(a)21 to sending school districts that paid tuition to the APSSD during the five years of operations prior to and including the year of sale as set forth below:



(a) The amount of sale proceeds to be refunded to the sending school districts shall be equal to, but shall not exceed, the allowable accumulated depreciation of the property;

(b) The distribution shall be based on the ratio of each sending district Board of Education's total ADE in the APSSD to the APSSD's total ADE for the five years of operation prior to and including the year of sale or disposition of the real property;

(c) Remaining proceeds may be transferred to the APSSD's working capital account within the limitations of N.J.A.C. 6A:23A-18.8 for use at the discretion of the APSSD's management; and

(d) Interest earned on the sale proceeds shall be subject to the provisions of N.J.A.C. 6A:23A-18.8.

4. 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.

R 7410 MAINTENANCE AND REPAIR

A. Inspection

1. The Principal and the appropriate custodial staff member shall inspect the facility daily for proper functioning and cleanliness.

2. The Principal with the appropriate custodial staff member shall make a regular inspection of the school building, support facilities, and grounds to identify any required repairs or replacements.

B. Reports

1. The Facilities Manager will report to the Executive Director those repairs to be performed by the school staff and those that require the services of an outside contractor.

C. Repairs by School Staff

1. Any teaching staff member may prepare, on the prescribed form, a work order request for repairs and/or maintenance. All work order requests will be submitted to the Facilities Manager.

2. The Facilities Manager will assign a priority to those work orders to be performed by school staff. The priority code will be:

   a. Emergency, for work that must be done immediately,

   b. High Priority, for work that affects health or safety,

   c. Normal Priority, for work that affects neither health nor safety, and

   d. Low Priority, for work that can be completed during the summer months or whenever staff is available.

3. Work scheduled to be performed by the school staff shall be entered on a work order form unless an emergency exists in which case the form may be filed after the repair has been made.

4. The work order form shall include, at a minimum, the following information:

   a. Name of the person making the request;

   b. Date of request;

   c. Location of repair,

   d. A description of the work to be performed, and

   e. Scheduled date of completion.

D. Repairs by Outside Contractors

1. When it appears to be necessary to utilize outside contracting services to effect a repair, the Principal, head custodian, and any other interested staff member will confer in the preparation of a job specification.

2. The Facilities Manager shall prepare a purchase requisition for submission to the Executive Director that indicates:

   a. The recommended vendor(s),

   b. The work required and its location,

   c. The reason why the work cannot be done by school staff, and

   d. The estimated cost as obtained from at least three contractors.

3. The Facilities Manager shall be responsible for supervising the conduct of the work.

E. Replacements and Improvements

1. The Facilities Manager will prepare a replacement schedule that lists all school equipment. Annual recommendations will be made in the budget to maintain the schedule of replacements.

2. Replacements required but not scheduled shall be submitted to the Principal or Executive Director by the end of September on a budget request form for consideration in the next annual budget.

Adopted: 24 October 2019

R 7420 HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS

A. Definitions

1. "Body wastes and fluids" includes a person's blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva. Body fluids of all persons should be considered to potentially contain infectious agents.

2. "Disinfectant" means an intermediate level agent that will kill vegetative bacteria, fungi, tubercle bacillus, and viruses and has been registered by the U.S. Environmental Protection Agency for use as a disinfectant in medical facilities and hospitals. The following classes of disinfectants are acceptable, with hypochlorite solution (A2c) preferred for objects that may be put in the mouth:

   a. Ethyl or isopropyl alcohol (70%);

   b. Phenolic germicidal detergent in a 1% aqueous solution;

   c. Sodium hypochlorite with at least 100 ppm available chlorine (one-half cup household bleach in one gallon water, freshly prepared for each use);

   d. Quaternary ammonium germicidal detergent in 2% aqueous solution; and

   e. Iodophor germicidal detergent with 500 ppm available iodine.

3. "Person" means any person on school premises or at a school-related activity, including students, staff members, and visitors, whether or not the person has a communicable disease or has been exposed to a communicable disease.

B. Precautions

1. Whenever possible, direct contact with body wastes and fluids should be avoided.

2. The wearing of protective gloves is required whenever direct hand contact with body wastes and fluids is anticipated, such as in treating a bloody nose, handling clothing soiled by incontinence, and cleaning small spills by hand.

3. Disposable protective gloves shall be worn by any person in the removal of body wastes and fluids and the treatment or disinfection of any items or surfaces that have come in contact with body wastes and fluids.

4. A supply of disposable protective gloves shall be maintained in the office of the school nurse and in each classroom and bathroom and shall be freely available to all staff members.

C. When Bodily Contact with Body Wastes or Fluids Occurs

1. Hands and other skin areas that have come in contact with a person's body wastes or fluids must be thoroughly washed by the use of soap and vigorous scrubbing of all contacted surfaces under running water for at least ten seconds. Hands and other skin areas should then be dried with paper towels.

2. Gloves soiled by contact with body wastes and fluids or in the cleaning of soiled items and surfaces should be promptly removed and placed in a plastic bag or lined trash can, secured, and disposed of daily.

D. Removal of Body Wastes and Fluids From the Environment

1. A sanitary absorbent agent, designed to absorb and disinfect body wastes and fluids, will be applied in accordance with instructions supplied with the material.

2. When the fluid is absorbed, the material will be vacuumed or swept up and the vacuum bag or sweepings will be disposed of in a plastic bag or lined trash can, secured, and disposed of daily.

3. The broom and dust pan used in sweeping will be rinsed in a disinfectant. No special handling is required for the vacuuming equipment.

4. Any disposable items (such as paper towels and tissues) used to clean up will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

E. Treatment of Soiled Items

1. Items such as clothing and fabric towels should be rinsed under cold running water to remove body wastes and fluids. If necessary for the treatment of stains, the item may be soaked in cold water.

2. If such prerinsing is required, gloves should be used when rinsing or soaking the items in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers.

3. Rinsed items may be stored in a plastic bag until further treatment can be given. A student's soiled clothing should be placed in a plastic bag with prepared laundry instructions for the parents.

4. Clothing and other items soiled by body wastes and fluids should be laundered separately in soap and water. The use of a household chlorine bleach is recommended; if the material is not colorfast, a nonchlorine bleach may be used.

5. Soiled disposable items (e.g., tissues, cotton balls, band aids, paper towels, diapers) should be handled in the same manner as disposable gloves.

F. Treatment of Soiled Rugs

1. Body wastes and fluids should be removed as provided in D.

2. A rug shampoo with a germicidal detergent should be applied with a brush and, when dried, vacuumed.

3. The vacuum bag will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

G. Disinfection of Hard Surfaces

1. Employees are to wear gloves while disinfecting hard surfaces and equipment.

2. Body wastes and fluids should be removed as provided in D and a disinfectant applied to the affected surface.

3. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle.

4. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate.

5. Nondisposable cleaning equipment (such as dust pans and buckets) should be thoroughly rinsed in the disinfectant.



6. The disinfectant solution should be promptly discarded down a drain pipe.

7. Gloves should be discarded in appropriate receptacles.

H. Disposal of Sharps

"Sharps" are defined as any instrument used to inject fluids into or draw fluids out of humans. Included are the pricks used for tine tests and blood sampling.

1. The school nurse shall keep a log of all sharps used on a monthly basis. One copy of the log shall be maintained with the nurse's files and one copy submitted to the school social worker.

2. All sharps shall be placed in a medical waste container that is:

   - rigid

   - leak resistant

   - impervious to moisture

   - have sufficient strength to prevent tearing or bursting under normal conditions of use and handling

   - puncture resistant

   - sealed to prevent leakage during transport

   - labeled

   The school nurse will arrange for the contracted vendor to pick up the sharps container. The vendor will provide a completed transmittal form at the time of pick up. A copy of the transmittal form will be kept by the school nurse and a copy submitted to the school social worker.

Adopted: 24 October 2019

R 7420.1 BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

A. Definitions

1. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in human beings, including but not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

2. "Exposure incident" means a specific eye, mouth, other mucous membranes, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

3. "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or any other body fluid that may result from the performance of an employee's duties.

4. "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

5. "Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

B. Exposure Determination

The employees in this school who have occupational exposure are those employees whose duties require close contact with students and include the job classifications designated by the Executive Director.

C. Workplace Controls

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All body fluids shall be considered potentially infectious materials, whether or not the presence of bloodborne pathogens is determined and whether or not body fluid types can be differentiated.

2. All blood and body fluids shall be handled in accordance with Regulation 7420, Handling and Disposal of Body Wastes and Fluids, which is incorporated herein as if set forth in its entirety.

D. Hepatitis B Vaccination

1. Hepatitis B vaccination shall be made available to each employee identified as having occupational exposure, after the employee has received training in bloodborne pathogens and within ten working days of his/her initial assignment, unless

   a. The employee has previously received the complete hepatitis B vaccination series,

   b. Antibody testing has revealed that the employee is immune,

   c. The vaccine is contraindicated for medical reasons, or

   d. The employee declines to receive the vaccine and signs the required statement to that effect, except than an employee who has declined to receive the vaccine and later decides to receive it shall be again offered the vaccine.

2. Hepatitis vaccination shall be made available without cost to employees, at a reasonable time and place, under the supervision of a licensed physician or other licensed healthcare professional, and in accordance with recommendations of the U.S. Public Health Service current at the time of the vaccination.

3. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee.

E. Post Exposure Evaluation and Follow-Up

Whenever an exposure incident is reported, the exposed employee shall be promptly offered a confidential medical evaluation and follow-up.

1. The route(s) of exposure and the circumstances under which exposure occurred shall be documented.

2. The identity of the source individual shall be documented, unless the Board establishes that identification is not feasible or is prohibited by State or Federal law.

3. Unless the identified source individual's infection with HBV or HIV infection is already known, the identified source individual's blood shall be tested for HBV and HIV infectivity, provided that the source individual has consented to the test for HBV and HIV infectivity or when consent is not required by the law. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

4. The results of any blood testing of the source individual shall be made available to the exposed employee, and the employee shall be informed of all laws and regulations regarding disclosure of the identity and infectious status of the source individual.

5. The exposed employee's blood shall be collected as soon as possible after the exposure and on the employee's consent for HBV and HIV serological status. The employee may withhold consent for HIV serological testing for up to ninety days, during which his/her blood sample shall be preserved.

6. The exposed employee shall be offered post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service; counseling; and evaluation of any reported illnesses.

F. Communication of Hazards to Employees

Any container that holds blood or other potentially infectious material shall be conspicuously labeled with a sign that its contents are a biohazard, in accordance with Federal regulations. 29 C.F.R. 1910.1030(g).

G. Training Program

1. Employees with occupational exposure must participate in a training program, which shall be provided at no cost to the employee and during working hours.

2. Employees shall receive training on their initial assignment to a position with occupational exposure within ninety days after the effective date of the exposure and annually thereafter. Employees shall also receive training whenever any modifications in the position affects exposure except that any such training may be limited to the new exposures created.

3. Training materials shall be appropriate in content and vocabulary to the educational level, literacy, and language of employees.



4. The training program shall include as a minimum:

   a. An accessible copy of the OSHA regulation on bloodborne pathogens, 29 C.F.R. 1910.1030, and an explanation of its contents,

   b. A general explanation of the epidemiology and symptoms of bloodborne diseases,

   c. An explanation of the modes of transmission of bloodborne pathogens,

   d. An explanation of this Exposure Control Plan and the means by which the employee can obtain a copy of the plan,

   e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials,

   f. An explanation of the use and limitations of methods that will prevent or reduce exposure, including work practices and personal protective equipment,

   g. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment,

   h. An explanation of the basis for selection of personal protective equipment,

   i. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of vaccination, and the free availability of the vaccine and vaccination,

   j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials,

   k. An explanation of the procedure to be followed if an exposure incident occurs, including the method of reporting that incident and the medical follow-up that will be made available,

   l. Information on the post-exposure evaluation and follow-up that the employer is required to provide after an exposure incident,

   m. Information regarding the labeling of biohazardous materials, and



n. An opportunity for interactive questions and answers with the person conducting the training session.

5. The person conducting the training shall be knowledgeable in the subject matter covered as is relates to the workplace that the training will address.

H. Recordkeeping

1. The school will establish and maintain an accurate medical record for each employee with occupational exposure in accordance with 29 CFR 1910.1020. The record shall include:

a. The name and social security number of the employee;

b. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations required by Section D. of this regulation;

c. A copy of all results of examinations, medical testing, and follow-up procedures as required by Section E. of this Regulation;

d. The school's copy of the healthcare professional's written opinion as required by 29 C.F.R. 1910.1030 (f)5;

e. A copy of the information provided to the healthcare professional as required by 29 C.F.R. 1910.1030 (f)(4)ii(B)(C) and (D);

f. The school shall ensure the employee's medical records required in Policy 7420 and this Regulation are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by law; and

g. The medical records required in this section must be maintained by the school for at least the duration of employment of the employee plus thirty years in accordance with 29 CFR 1910.1020.

2. The school will maintain training records for three years from the date on which the training occurred. These records shall include:

a. The dates and contents or summary of the training sessions; and

b. The names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions.

3. The school will ensure the training records required by this section of the Regulation be made available to authorized State and Federal agencies, employees, and employee representatives upon request. Employee medical records required by this section of the Regulation shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to authorized State and Federal agencies in a accordance with State and Federal laws.

4. The school shall comply with the requirements involving the transfer of records set forth in 29 CFR 1910.1020(h).

5. The school shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the log shall be recorded and maintained in such a manner as to protect the confidentiality of the injured employee. The log shall contain, at a minimum: the type and brand of device involved in the incident; the department or work area where the exposure incident occurred; and an explanation of how the incident occurred. This log shall be maintained for the period required by 29 CFR 1904.6.

I. School's Exposure Control Plan

1. The school's Exposure Control Plan shall be reviewed at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update of the Plan shall also:

   a. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

   b. Document annually consideration and implementation of appropriate, commercially-available, and effective safer medical devices designated to eliminate or minimize occupational exposure.

J. Staff Input

1. The Executive Director or designee shall solicit input from non-managerial employees who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document this solicitation in the Exposure Control Plan.

Adopted: 24 October 2019

R 7420.2 CHEMICAL HYGIENE

A. Definitions

The following terms shall be defined as specified in 29 CFR 1910:

1. "Action level" means a concentration designated in 29 CFR part 1910 for a specific substance, calculated as an eight hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.

2. "Carcinogen" (see "select carcinogen").

3. "Chemical Hygiene Officer" means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.

4. "Chemical Hygiene Plan" means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that (i) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and (ii) meets the requirements of a Chemical Hygiene Plan.

5. "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C) but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

6. "Compressed gas" means:

   a. A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

   b. A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

c. A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTMD-323-72.

7. "Designated area" means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.

8. "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.

9. "Employee" means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his/her assignments.

10. "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

11. "Flammable" means a chemical that falls into one of the following categories:

a. "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening:

b. "Gas, flammable" means

(1) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or

(2) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume regardless of the lower limit.

c. "Liquid, flammable" means any liquid having a flashpoint below 100°F (37.8°C) except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.



d. "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

12. "Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

a. Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tagliabue Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C) that do not contain suspended solids and do not have a tendency to form a surface film under test: or

b. Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester A11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C) or that contain suspended solids, or that have a tendency to form a surface film under test; or

c. Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

13. "Hazardous chemical" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.



Appendices A and B of the Hazard Communication Standard (29 CFR 1910.1200) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

14. “Laboratory” means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.

15. “Laboratory scale” means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.

16. “Laboratory-type hood” means a device located in a laboratory, enclosure on five sides with a movable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee’s body other than hands and arms.

    Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

17. “Laboratory use of hazardous chemicals” means handling or use of such chemicals in which all of the following conditions are met:

    a. Chemical manipulations are carried out on a "laboratory scale";

    b. Multiple chemical procedures or chemicals are used;

    c. The procedures involved are not part of a production process, nor in any way simulate a production process; and

    d. "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

18. "Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

19. "Organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

20. "Oxidizer" means a chemical other than a blasting agent or explosive as defined in § 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

21. "Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

22. "Protective laboratory practices and equipment" means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.

23. "Reproductive toxins" means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

24. "Select carcinogen" means any substance which meets one of the following criteria:

    a. It is regulated by OSHA as a carcinogen; or

    b. It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or

    c. It is listed under Group 1 ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or

d. It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

(1) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m3;

(2) After repeated skin application of less than 300 (mg/kg of body weight) per week; or

(3) After oral dosages of less than 50 mg/kg of body weight per day.

25. "Unstable (reactive)" means a chemical which is in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

26. "Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

B. Employee Exposure

The Board shall provide for initial and periodic monitoring of any employees if there is reason to believe that exposure levels to an OSHA regulated substance will exceed permissible limits as specified in 29 CFR part 1910 subpart Z. Monitoring may only be terminated in accordance with the relevant standard. The Executive Director will notify in writing affected employees within fifteen working days of the results of monitoring either individually or by posting the results in a location accessible to all employees.

C. Chemical Hygiene Plan

1. The Executive Director shall cause the development of a Chemical Hygiene Plan by the Facilities Manager which shall include at least the following elements and indicate specific measures the Board will take to ensure employee protection:

a. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;

b. Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;

c. A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment;

d. Provisions for employees information and training as prescribed by 29 CFR Part 1910;

e. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;

f. Provisions for medical consultation and medical examinations in accordance with 29 CFR Part 1910;

g. Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer and, if appropriate, establishment of a Chemical Hygiene Committee; and

h. Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens", reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:

(1) Establishment of a designated area;

(2) Use of containment devices such as fume hoods or glove boxes;

(3) Procedures for safe removal of contaminated waste; and

(4) Decontamination procedures.

2. The plan shall be capable of protecting employees from health hazards associated with hazardous chemicals in laboratories and keeping exposure below specified limits.

D. Employee Information and Training

The Executive Director or designee shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. The information shall be provided at the time of the employees initial assignment to the work area and whenever new exposure situations arise. Refresher information shall be provided as the situation with regard to hazardous chemicals changes. Employees shall be informed of (1) the contents of Federal standards relating to hazardous chemicals; (2) the location and availability of the chemical hygiene plan; (3) the permissible exposure limits as established by OSHA; (4) signs and symptoms associated with exposure to hazardous chemicals used in the laboratory and (5) the location and availability of known references on the hazards, safe handling, storage and disposal of hazardous chemicals.

Employee training shall include (1) methods and observations used to detect the presence or release of hazardous chemicals; (2) the physical and health hazards of chemicals in the work area; (3) the measures employees can use to protect themselves, including specific procedures the Board has implemented to protect employees; (4) training on the applicable details of the Board's Chemical Hygiene Plan.

E. Medical Consultation

The Board will provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including follow-up examinations the physician deems necessary under the following circumstances:

1. Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.

2. Where exposure monitoring reveals an exposure level routinely above the action level (or in the absence of an action level, the PEL) for an OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.



3. Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

F. Information Provided to the Physician

The employer shall provide the following information to the physician:

1. The identity of the hazardous chemicals(s) to which the employee may have been exposed;

2. A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and

3. A description of the signs and symptoms of exposure that the employee is experiencing, if any.

G. Physician's Written Opinion Shall Include:

1. Any recommendation for further medical follow-up;

2. The results of the medical examination and any associated tests;

3. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and

4. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

H. Hazard Identification

With respect to labels and material data sheets, the Board shall (1) ensure that labels on incoming containers of hazardous materials are not removed or defaced; (2) maintain material safety data sheets and ensure they are available to employees, and (3) comply with Federal regulations with regard to chemical substances produced within the laboratory, assuming that if a substance is produced whose composition is not known that it will be assumed it is hazardous.

I. Use of Respirators

Where respirators are required to maintain exposure below permissible limits, they will be provided to the employee at no cost and will comply with the requirements of 29 CFR 1910.134.

J. Recordkeeping

The Executive Director or designee shall establish and maintain for each employee exposed to hazardous chemicals an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by Federal standards. The Board shall assure that records are kept, transferred and made available in accordance with 29 CFR 1910.1020.

Adopted: 24 October 2019

R 7421 INDOOR AIR QUALITY STANDARDS

A. Definitions

1. "Air contaminants" - refers to substances contained in vapors from paint, cleaning chemicals, pesticides, solvents, particles, outdoor air pollutants and other airborne substances which together may cause material impairment to employees working within the enclosed workplace.

2. "Building related illnesses" - describes specific medical conditions of known etiology which can be documented by physical signs and laboratory findings. Such illnesses include sensory irritations when caused by known agents, respiratory allergies, asthma, nosocomical infections, humidifier fever, Legionnaires' Disease, and the signs and symptoms characteristic of exposure to chemical or biologic substances such as carbon monoxide, formaldehyde, pesticides, endotoxins, or mycotoxins.

3. "Building systems" - include the heating, ventilating and air-conditioning (HVAC) system, the energy management system and all other systems in a facility which may impact indoor air quality.

4. "Department" - Department of Health and Senior Services

5. "Designated person" - a person who is designated by the administration to take necessary measures to assure compliance with indoor air quality standards.

6. "HVAC system" - means the collective components of the heating, ventilation and air conditioning systems including, but not limited to, filters and frames, cooling coil condensate drip pans and drainage piping, outside air dampers and actuators, humidifiers, air distribution ductwork, automatic temperature controls, and cooling towers.

7. "HVAC System Commissioning Report" - means a document normally prepared by an architect or engineer that provides verification that the HVAC system is operating in conformity with the design intent.

8. "Office Building" - means a building in which administrative and/or clerical activities are conducted. Examples of facilities and/or operations which are not office buildings include the school, repair shops, garages and print shops.

9. "Renovations and remodeling" - means building modification involving activities that include, but are not limited to; removal or replacement of walls, roofing, ceilings, floors, carpet and components such as moldings, cabinets, doors, and windows; paintings; decorating; demolition; surface refinishing; and removal or cleaning of ventilating ducts.

B. Compliance Program

The Executive Director will designate the Facilities Manager who is given the responsibility to assure compliance with indoor air quality standards. The designated person will assure that at least the following actions are limited and documented:

1. Establishing and following a preventative maintenance schedule for heating, ventilating and air conditioning (HVAC) systems that are in accordance with manufacturer's recommendations or with accepted practice for the HVAC system.

2. Implementing the use of general and local exhaust ventilation where housekeeping and maintenance activities involve the use of equipment or products that could reasonably be expected to result in hazardous chemicals or particulate exposure above the Permissible Exposure Limit (PEL).

3. When the carbon dioxide level exceeds 1,000 parts per million (ppm), the designated person will check to make sure the HVAC system is operating properly. If it is not, the designated person will take necessary steps as outlined in 1. above.

4. Check to make sure HVAC systems are working properly when the building temperatures are outside of the range of 68 to 79 degrees Fahrenheit. If it is not, the designated person will take necessary steps as outlined in 1. above.

5. If contamination of the make-up air supply is identified and documented, then the make-up inlets and/or exhaust outlets shall be re-located or the source of the contamination eliminated. Sources of make-up air contamination may include contaminants from sources such as cooling towers, sanitary vents, vehicular exhausts from parking garages, loading docks and street traffic.

6. Assure that buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational.

7. Promptly investigate all employee complaints of signs or symptoms that may be associated with building-related illnesses.

C. Air Quality During Renovation and Remodeling

1. Renovation work and/or new construction that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health will be safeguarded by means of local ventilation or other protective devices to ensure the safety of employees. Renovation areas in occupied buildings shall be isolated and dust and debris shall be confined to the renovation or construction area.

2. Before use of paints, adhesives, sealants, solvents, or installation of insulation, particle board, plywood, floor coverings, carpet backing, textiles, or other materials in the course of renovation or construction, the designated person will check product labels or seek and obtain information from the manufacturers of those products on whether or not they contain volatile organic compounds such as solvents, formaldehyde or isocyanates that could be emitted during regular use. This information shall be used to select products and to determine necessary measures to be taken to comply with indoor air quality standards.

3. The designated person will notify employees at least twenty-four hours in advance, or promptly in emergency situations of work to be performed on the building that may induce air contaminants into their work area.

D. Recordkeeping

1. The maintenance schedule shall be updated by the designated person to show all maintenance performed on the building systems. The schedule shall include the date such maintenance was performed and the name of the person or company performing the work.

2. The records required to be maintained by this section shall be retained for at least three years and be available on request to employees and employee representatives and Department representatives for examination and copying.

E. Response To A Signed Complaint From The Department

1. Within fifteen working days of receipt of the complaint notification from the Department, the designated person will respond in writing to the Department. The response may include any combination of the following:

a. A statement that the complaint is unfounded;

b. A description of any remedial action already taken;

c. An outline of any remedial measures planned but not yet taken, with a timeline for completion; and/or

d. A statement that a study of the problem, with a timetable for completion of the study, has been initiated.

2. Where remedial measures are planned or a study initiated, they shall be completed as soon as feasible. The designated person will submit, to the Department, a written report describing the remedial measures implemented and/or a copy of the study's report within fifteen working days of completion.

3. Permits for remedial work shall be obtained as required by N.J.A.C. 5:23 (the New Jersey Uniform Construction Code). All work requiring a permit shall be performed in compliance with N.J.A.C. 5:23.

F. In response to an employee complaint to the Department, the designated person will provide any of the following documents, if available, and requested by the Department:

1. As-built construction documents;

2. HVAC system commissioning reports;

3. HVAC systems testing, adjusting and balancing reports;

4. Operations and maintenance manuals;

5. Water treatment logs; and

6. Operator training materials.

Issued: 24 October 2019

R 7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

A. Definitions

1. "Commissioner" means the Commissioner of Environmental Protection.

2. "Department" means the Department of Environmental Protection.

3. "Integrated Pest Management Coordinator" or "coordinator" means an individual who is knowledgeable about integrated pest management systems and has been designated by the Board, as the Integrated Pest Management Coordinator (IPMC) pursuant to the New Jersey School Integrated Pest Management Act. The IPMC is authorized to perform the statutory IPM responsibilities of the Board of Trustees.

4. "Low Impact Pesticide" means any pesticide or pesticidal active ingredient alone, or in combination with inert ingredients, that the United States Environmental Protection Agency has determined is not of a character necessary to be regulated pursuant to the "Federal Insecticide, Fungicide, and Rodenticide Act," 7 U.S.C. s.136 et seq. and that has been exempted from the registration and reporting requirements adopted pursuant to that act; any gel; paste; bait; antimicrobial agent such as a disinfectant used as a cleaning product; boric acid; disodium octoborate tetrahydrate; silica gels; diatomaceous earth; microbe-based insecticides such as bacillus thuringiensis; botanical insecticides, not including synthetic pyrethroids, without toxic synergists; and biological, living control agents.

5. "Pesticide" means any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. "Pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator.

6. "Plan" means the school's goals regarding the management of pests and the use of pesticides on all school property. The plan shall be developed in accordance with the requirements of N.J.S.A. 13:1f-19 through 33.

7. "School" means any public or private school as defined in N.J.S.A. 18A:1-1.

8. "School Integrated Pest Management Policy" means a managed pest control policy that eliminates or mitigates economic, health, and aesthetic damage caused by pests in school; that delivers effective pest management, reduces the volume of

pesticides used to minimize the potential hazards posed by pesticides to human health and the environment in school; that uses integrated methods, site or pest inspections, pest population monitoring, an evaluation of the need for pest control, and one or more pest control methods, including sanitation, structural repair, mechanical and biological controls, other non-chemical methods, and when non-chemical options are ineffective or unreasonable, allows the use of a pesticide, with a preference toward first considering the use of a low impact pesticide for school.

9. "School pest emergency" means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

10. "School property" means any area inside and outside of the school building controlled, managed, or owned by the school.

11. "Staff member" means an employee of the school, including administrators, teachers, and other persons regularly employed by the school, but shall not include an employee hired by the school or the State to apply a pesticide or a person assisting in the application of a pesticide.

12. "Universal notification" means notice provided by the school to all parents of children attending a school, and staff members of the school.

B. Integrated Pest Management Coordinator (IPMC)

The Facilities Manager shall be designated the Integrated Pest Management Coordinator (IPMC) of the school. The Integrated Pest Management Coordinator (IPMC) shall:

1. Maintain information about the school, the school's Integrated Pest Management Policy, and about pesticide applications on the school property of the school;

2. Act as a contact for inquiries about the School Integrated Pest Management Policy; and

3. Maintain material safety data sheets, when available, and labels for all pesticides that are used on the school property or in the school.

C. Maintenance of Records of Pesticide Application; Notices of Policy

The IPMC shall request from the pesticide applicator and shall maintain records of pesticide applications used on school property or for the school for three years after the application, and for five years after the application of a pesticide designed to control termites, and on request, shall make the data available to the public for review.



A notice of the school's Integrated Pest Management Policy shall be included in school calendars or another form of universal notification to students and parents. The notice shall include:

1. The school's Integrated Pest Management Policy;

2. A list of any pesticide that is in use or that has been used in the last twelve months on school property at each school location;

3. The name, address, and telephone number of the Integrated Pest Management Coordinator (IPMC) of the school;

4. A statement that:

   a. The IPMC maintains the product label and material safety data sheet, when available, of each pesticide that may be used on school property;

   b. The label and data sheet is available for review by a parent, staff member, or student attending the school; and

   c. The Integrated Pest Management Coordinator (IPMC) is available to parents, and staff members for information and comment.

5. The time and place of any Board meetings that will be held to adopt the School Integrated Pest Management Policy; and

6. The following statement:

   "As part of a school pest management plan, the school may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure."

After the beginning of each school year, the IPMC, in conjunction with the Principal(s), shall provide this notice to each new staff member who is employed during the school year and to the parents of each new student enrolled during the school year.



D. Permitted Use of Certain Pesticides; Notice

If it is determined that a pesticide, other than a low impact pesticide, must be used on school property, the pesticide may be used only in accordance with the requirements of N.J.S.A. 13:1F-25.

1. The Principal, upon prior notice from the IPMC, shall provide notice to a parent of each student enrolled at the school and each staff member of the school, at least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property. The notice shall include:

   a. The common name, trade name, and Federal Environmental Protection Agency registration number of the pesticide;

   b. A description of the location of the application of the pesticide;

   c. The date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide applications may take place if the preceding date is cancelled;

   d. A statement that the Office of Pesticide Programs of the United States Environmental Protection Agency has stated: "Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure";

   e. A description of potential adverse effects of the pesticide based on the material safety data sheet, if available, for the pesticide;

   f. A description of the reasons for the application of the pesticide;

   g. The name and telephone number of the school's IPMC; and

   h. Any additional label instruction and precautions related to public safety.

2. The notice required by D.1. above may be provided by:

   a. Written notice sent home with the student and provided to each staff member;

   b. A telephone call;

   c. Direct contact;

   d. Written notice mailed at least one week before the application; or

   e. Electronic mail.



3. If the date of the application of the pesticide must be extended beyond the period required for notice under this section, the Board shall reissue the notice required under D.1. above for the new date of application.

E. Posting of Sign Prior to Use of Certain Pesticides

At least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property, the IPMC shall post a sign that provides notice of the application of the pesticide in a prominent place that is in or adjacent to the location to be treated and at each entrance to the building or school ground to be treated.

A sign required for the application of a pesticide shall:

1. Remain posted for at least seventy-two hours after the end of the treatment;

2. Be at least 8½ inches by 11 inches; and

3. State the same information as that required for prior notification of the pesticide application pursuant to Section D.1. of this Regulation.

In the case of outdoor pesticide applications, each sign shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled due to weather. A sign shall be posted after an outdoor pesticide application in accordance with 1, 2 and 3 above.

The requirement imposed pursuant to this section shall be in addition to any requirements imposed pursuant to the "Pesticide Control Act of 1971," P.L. 1971, c.176 (C.13:1F-1 et seq.), and any rules or regulations adopted pursuant thereto.

F. Applicability of Notice and Posting Requirements

The provisions of Sections D and E of this Regulation shall apply if any person applies a pesticide, other than a low impact pesticide, on school property, including a custodian, staff member, or commercial applicator. These provisions shall apply to a school during the school year, and during holidays and the summer months, only if the school is in use by children during those periods. During those periods, notices shall be provided to all staff members and the parents of the students that are using the school in an authorized manner.

G. Emergency Use of Certain Pesticides

A pesticide, other than a low impact pesticide, may be applied on school property in response to an emergency, without complying with the provisions of Sections D and E of this Regulation, provided the following requirements are met:



1. The Principal shall, upon prior notice from the IPMC and within twenty-four hours after the application or on the morning of the next school day, provide to each parent of students enrolled at the school, and staff members of the school, notice of the application of the pesticide for emergency pest control that includes:

   a. The information required for a notice under Section D of this Regulation;

   b. A description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member; and

   c. If necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide pursuant to this section.

The school may provide notice required in G.1. above by:

1. Written notice sent home with the student and provided to the staff members;
2. A telephone call;
3. Direct contact; or
4. Electronic mail.

When a pesticide is applied pursuant to this section, the IPMC shall post a sign warning of the pesticide application at the time of the application of the pesticide in accordance with the provisions of Section E of this Regulation.

If there is an application of a pesticide pursuant to this section, the IPMC shall modify the School Integrated Pest Management Plan of the school if necessary, to minimize the future emergency applications of pesticides under this section.

A pesticide, other than a low impact pesticide, shall not be applied on school property where students are expected to be present for academic instruction or for organized extra-curricular activities prior to the time prescribed for re-entry to the application site by the United States Environmental Protection Agency on the pesticide label, except that if no specific numerical re-entry time is prescribed on a pesticide label, such a pesticide, other than a low impact pesticide, shall not be applied on school property where students are expected to be present for academic instruction or for organized extra-curricular activities within seven hours of the application.

A pesticide, other than a low impact pesticide, shall not be applied in a school building when students are present. Students may not be present in an untreated portion of a school building being treated unless the area being treated with a pesticide, other than a low impact pesticide, is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors.

A low impact pesticide may be applied in areas of a school building where students will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.

The requirements of this section shall not apply when pesticides are applied on school property for student instructional purposes or by public health officials during the normal course of their duties.

H. Immunity From Liability of Commercial Pesticide Applicator

A commercial pesticide applicator shall not be liable to any person for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the IPMC to provide the notice required prior to the application of a pesticide pursuant to the provisions of sections 7, 8, 9, or 10 of P.L. 2002, c.117 (C.13:1F-25, C.13:1F-26, C.13:1F-27 or C.13:1F-28).

I. Development, Availability of Form for Certifying Compliance

The Department of Environmental Protection shall develop and make available to commercial pesticide applicators a form that a commercial pesticide applicator may request an Integrated Pest Management Coordinator (IPMC) to sign prior to the application of a pesticide, other than a low impact pesticide, on school property. The form developed pursuant to this section shall set forth a certification by the Integrated Pest Management Coordinator (IPMC) that the notice and posting requirements for the application of a pesticide established pursuant to Sections D and E of this Regulation, or the posting requirement established pursuant to Section G of this Regulation, as appropriate, have met compliance requirements. Upon being presented by a commercial pesticide applicator with a form pursuant to this section, the signature of the Integrated Pest Management Coordinator (IPMC) shall be required as a condition for the application of the pesticide.

The Department of Environmental Protection may issue an administrative order against a local school Board that fails to adopt and implement a pesticide use and school Integrated Pest Management Policy in compliance with the provisions of N.J.S.A. 13:1F-32.

The Commissioner shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules or regulations as are necessary to implement the provisions of the School Integrated Pest Management Act.

Issued: 24 October 2019



R 7424 BED BUGS

The following procedures are established in implementation of Policy 7424 – Bed Bugs.

A. Observation of Possible Bed Bug Bites or Bed Bugs on a Student

1. A staff member who observes what he/she believes may be bed bug bites on a student or bed bugs on the student or in or on the student's possessions shall send the student to the school nurse.

2. The school nurse shall examine the student to determine if the student has bed bug bites or if there are any bed bugs present on the student or in or on the student's possessions.

3. If the school nurse determines the student does not have bed bug bites or bed bugs on them or in or on their possessions, the student will be returned to resume their school day.

B. Confirmation of Bed Bug Bites or Bed Bugs on a Student

1. If the school nurse believes the student has bed bug bites or finds bed bugs on the student or in or on the student's possessions, the school nurse will contact the Principal or designee.

2. The Principal or designee 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.

3. 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.

4. When vacuuming is completed by school custodial staff, 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 vacuum will also be treated.

5. 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.

C. Inspection by Licensed Pest Management Professional

1. If an inspection by the licensed pest management professional determines bed bugs are not present in the classroom(s) inspected, the school program shall resume use of the classroom(s) if the Principal previously decided the classroom(s) should not be occupied by staff or students.

2. If an inspection by the licensed pest management professional determines bed bugs are in the classroom(s), the area(s) will be treated by a licensed pest management professional. Any treatment shall be in accordance with the provisions of the New Jersey Pest Management Act, the school's Pest Management Plan, and any other applicable law.

D. Communication with Student's Parent

1. The school nurse will contact the student's parent on the results of the examination.

2. A parent of a student who is believed to have a live bed bug(s) on them or in or on their possessions will be required to arrange for their child to be picked-up from school to return home to change clothes and for the parent to inspect any possessions the student brings to school. The nurse may provide the parent with information regarding bed bugs.

a. Upon the student's return to school after being sent home to change clothes and an inspection of their possessions they bring to school, the student will be required to report to the school nurse who will examine the child and the child's possessions before the child can resume the school day.

(1) If there are no signs of bed bugs on the student or in or on the student's possessions upon being examined by the school nurse after the child returns to school, the student will be able to resume their school day.

b. The school nurse may examine the student and the student's possessions subsequent to their initial return to school to ensure the student and possessions are free of bed bugs.

(1) In the event the nurse finds live bed bugs on the student or in or on the student's possession after 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.

3. A parent of a student who is believed to have bed bug bites, but no evidence of bed bugs on them or in or on their possessions, will be informed of such results and the student may be required to be examined by the school nurse subsequent to the initial examination to ensure bed bugs are not on the student or in or on their possessions they bring to school.

E. School Communications

1. The Principal, in consultation with the school nurse, will determine if the parents of other students should be informed if bed bugs are found in an area of the school. This determination will be made on a case-by-case basis.

a. Parents of other students need 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.

F. Compliance with Applicable Laws

1. The Principal or designee will ensure the school complies with all notification requirements and any other legal requirements, including the New Jersey Pest Management Act, the school's Pest Management Plan, and any other applicable law.

Issued: 24 October 2019

R 7430 SCHOOL SAFETY

Guidelines for Dealing with Accident/Injury

1. The school nurse or another trained person shall be responsible for administering first aid.

2. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parents and/or family physician immediately.

3. Parents shall be requested to pick up the student. If a parent is unable to provide such transportation, no student who is injured shall be sent home alone. A student who is injured may be taken home if a responsible person is there to receive that student.

4. In extreme emergencies, the school nurse, school doctor or Principal may make arrangements for immediate hospitalization of injured students. Parents should be contacted as soon as possible.

5. The teacher or other staff member who is responsible for a student at the time an accident occurs shall make out a report within twenty-four hours, providing details about the accident. This shall be required for every accident whether first aid is necessary or not.

6. Any injuries or accidents to students shall be reported as soon as possible to the Executive Director.

These emergency medical procedures shall be disseminated to appropriate personnel within the school.

Adopted: 24 October 2019

R 7432 EYE PROTECTION PRACTICES

A. Eye Protection Devices

1. The following types of eye protective devices must be worn by all students, staff members, and visitors (including persons attending evening adult school programs) participating in the activity or process designated wherever it may occur on school premises:

Potential eye hazard	Protective devices
Caustic or explosive	Goggle, flexible fitting materials, hooded ventilation; add plastic window face shield for severe exposure
Dust producing operations	Goggle, flexible fitting, hooded ventilation
Electric arc welding	Welding helmet in combination with spectacles with eye cup or semi- or flat-fold side shields
Oxy-acetylene welding	Welding goggle, eye cup type with tinted lenses; welding goggle, coverspec type with tinted lenses or tinted plate lens
Hot liquids and gases	Goggle, flexible fitting, hood ventilation; add plastic window face shield for severe exposure
Hot solids	Clear or tinted goggles or spectacles with side shields
Molten materials	Clear or tinted goggles and plastic or mesh window face shield
Heat treatment or tempering	Clear or tinted goggles or clear or tinted spectacles with side shields

Potential eye hazard	Protective devices
Glare operations	Tinted goggles; tinted spectacles with side shields or welding goggles, eye cup or coverage type with tinted lenses or plate lens
Shaping solid materials	Clear goggles, flexible or rigid body; spectacles with side shields; add plastic window face shield for severe exposure
Laser device operation or experimentation	Appropriate for specific hazard
Repair or servicing of vehicles	Clear goggles, flexible or rigid body; clear spectacles with side shields
Other potentially hazardous processes or activities	Appropriate for specific hazard

2. The supplier of any eye protective device to this school shall certify in writing that the device meets or exceeds ANSI standards. All spectacle type eye protective devices shall have side shields of the eye cup, semi-, or flat-fold type.

3. Staff members shall regularly and frequently inspect the eye protective devices used in their classes and shall report to the Principal devices that are defective or poorly fitting. All eye protective devices shall be identified with the name(s) of the user(s) and shall be properly stored when not in use.

4. An eye protective device that is shared shall be disinfected between uses by a method prescribed by the local school medical inspector.

5. The use of contact lenses shall be restricted in learning environments which entail exposure to chemical fumes, vapors or splashes, intense heat, molten metals, or highly particulate atmospheres. Staff members in these learning environments shall identify the students in his/her class who wear contact lenses. A list of such students shall be kept by the staff member in order that appropriate emergency eye care may be given; the list shall be destroyed at the end of the course of study.



When permitted, contact lenses may be worn only in conjunction with appropriate eye protective devices. The contact lens wearer shall be identified for appropriate emergency eye care in hazardous learning environments.

6. A student who wears prescription glasses shall be provided with an appropriate eye protective device that fits over his/her glasses. A student or staff member may wear his/her personal corrective eye wear in the course of an activity hazardous to the eyes provided that the eye wear has been certified in writing by a licensed optician to meet or exceed ANSI standards as defined in N.J.A.C. 6:29-1.7(b)1 and 2 for the appropriate eye protective device required.

7. The responsible staff member will provide each visitor to an area in which an activity hazardous to eyes is conducted with an appropriate eye protective device.

B. Eye Wash Fountains

1. Eye wash fountains or similar devices, capable of a minimum of fifteen minutes of continuous flow of eye wash solution shall be provided in accordance with Policy 7432 and the standards of the State Department of Education.

2. Eye wash fountains shall be routinely checked by the responsible staff member and any fountain that does not operate properly shall be promptly reported to the Principal.

C. Enforcement

1. Staff members shall not permit students to engage in an activity potentially hazardous to the eyes without appropriate eye protection and shall dismiss from the class period a student who refuses or persistently neglects to wear eye protection or to observe established eye protection practices. Any such dismissed student shall be reported absent for the class.

2. Staff members shall report to the Principal a visitor who refuses or persistently neglects to wear eye protection or observe established eye protection practices.

3. The Principal shall annually inspect the school premises for the existence of conditions potentially hazardous to the eyes, for the placement of signs requiring appropriate eye protective devices, and for an adequate supply of appropriate eye protective devices in satisfactory condition. Conditions potentially hazardous to the eyes include, in addition to the activities listed in paragraph A1 above, the likelihood of flying objects and spilled liquids and the presence of protruding and sharp objects.



D. Training and Supplies

The school shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the eye safety policies and program. The training shall include all aspects of eye protection as defined in this regulation.

Issued: 24 October 2019

R 7440P SCHOOL SECURITY - APSSD

A. Definitions

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

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

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

B. Access to School Buildings and School Grounds

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

2. Access to an approved private school for students with disabilities' (APSSD) buildings and grounds before and after the school day will be permitted to:

   a. Members of the Board of Trustees;

   b. Administrative and supervisory staff members, teaching staff members, and support staff members assigned to a school building or grounds in the performance of their duties;

   c. Other school staff members in the performance of their professional responsibilities;

d. Students involved in interscholastic athletics, co-curricular or extra-curricular activities, and authorized spectators;

e. If applicable, members of organizations granted the use of school premises pursuant to Policy and Regulation 7510;

f. Police officers, fire fighters, health inspectors, and other agents of Federal, State, and local government in the performance of their official duties; and

g. Others authorized by the Principal or designee and/or by Board Policy.

3. All school building visitors during the school day will be required to register their presence in the school and comply with the provisions of Policy and Regulation 9150. The school's registration and sign-in procedures may include the use of a school visitor management system requiring the visitor to present acceptable identification to access the school building.

4. Signs will be conspicuously posted to inform visitors of the requirement to register their presence into the building.

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

1. School staff members will be provided access to a school building using the school's key control system as follows:

a. Teaching staff members and support staff members will be provided access using the school's key control system to the school building and to other facilities on school grounds to which they require access for the performance of their professional duties.

(1) The Principal will determine the school staff members who shall be provided access to facilities within the school building and on school grounds.

(2) The Executive Director or designee will determine the school administrators, supervisors, and other staff members who shall be provided access to facilities within the school building and on school grounds.

2. School staff members provided access to a school building or other facilities on school grounds shall be responsible for ensuring their key control system authorization is not shared with another individual without prior approval of the Principal or designee for school staff members. Staff members are prohibited from permitting their key control system authorization to be used by another person unless prior approval is obtained from the Principal or designee or in the event of an emergency.

3. A staff member's loss of a key, card, or any other device authorizing the staff member access to a school building or a facility on school grounds must be immediately reported to the Principal or designee. The staff member who loses a key, card, or any such access device may be responsible for the replacement cost.

D. Staff Member Responsibilities

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

2. In the event a staff member observes a student has a valuable item in school, the staff member will report it to the Principal or designee. A valuable item may include, but is not limited to, an unusually large amount of money, expensive jewelry or electronic equipment, or any item that is determined by the Principal or designee to be valuable to a student based on the student's age:

   a. The Principal or designee may contact the student's parent and request the parent come to school to retrieve the valuable item;

   b. The Principal or designee may secure the valuable item and return it to the student at the end of the school day and inform the student and the parent not to bring the valuable item to school in the future; or

   c. The Principal or designee will permit the student to maintain the valuable item and inform the student and the parent not to bring the valuable item to school in the future.

   d. The school is not responsible for a student's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed when in the possession of the student.

3. Teaching staff members shall close classroom windows and shut and lock classroom doors when leaving at the end of the school day; shut and lock classroom doors during the school day when the room is not going to be in use after their assignment, and report immediately to the Principal or designee any evidence of tampering or theft.

4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for persons with access.

5. Office personnel shall take all reasonable precautions to ensure the security of all school records and documents against unauthorized access, deterioration, and destruction.

[Option

E. School Safety Specialist

1. The Executive Director or designee may designate a school administrator or a school employee with expertise in school safety and security, as a School Safety Specialist for the school.

2. The School Safety Specialist shall:

   a. Be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school;

   b. Ensure that these policies and procedures are in compliance with State law and regulations; and

   c. Provide the necessary training and resources to school staff in matters relating to school safety and security.

3. The School Safety Specialist shall also serve as the school's liaison with law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

4. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist Certification in accordance with the provisions of N.J.S.A. 18A:17-43.2, if such certification is available to a School Safety Specialist in an APSSD.**]**

F. Summoning Law Enforcement Authorities

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

2. A call to law enforcement agents will be reported to the Principal as soon as possible, along with the reason(s) for which the call was made and the outcome of the incident.

R 7441P ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS – APSSD

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used in school buildings and on school grounds.

A. Recording and Notice

1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.

2. Recordings may be used to monitor and observe the conduct of school staff, students, community members, and other person(s) in school buildings or on school grounds.

3. Signage will be posted in a prominent public place in school buildings and on school grounds where electronic surveillance equipment may be used.

B. Student Records and Notice

School personnel will comply with the provisions of applicable law regarding student record requirements including the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA). Recordings considered for retention, as a part of a student's behavioral record, will be maintained in accordance with established student record procedures governing access, review, and release of student records.

C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.

2. The school will provide notice to students, parent(s), and school staff members that surveillance devices may be used in school buildings and on school grounds.

D. Storage/Security

1. All recordings will be stored by the Principal or designee and secured to ensure confidentiality.

2. Recordings will be retained in accordance with the New Jersey Department of the Treasury – Records Management Services – Records Retention Schedules and will be erased or discarded, unless there is a legitimate reason for retaining such recording for review, upon receiving prior authorization from Records Management Services.

E. Use

1. The determination of the location of surveillance devices shall be made by the Principal or designee.

2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the Principal.

2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the Principal.

3. Only the portion of the recording concerning a specific incident will be made available for viewing.

4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.

5. All viewing will be in the presence of the Principal.

6. A written log will be maintained by the Principal of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.



7. Video recordings remain the property of the school and may be reproduced only in accordance with law, including applicable student records policy and procedures and personnel records policy, procedures and applicable labor agreements.

G. Purchase, Maintenance, Replacement of Equipment/Supplies

1. The Business Manager or designee will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.

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R 7610 VANDALISM

A. Definitions

1. "Vandalism" means the willful and malicious acts of any person that result in the destruction, defacement, or damage of any property, real or personal, belonging to or entrusted to the Board. Vandalism includes arson and an act of graffiti.

2. "Arson" means the willful and malicious burning or setting on fire of any building or part of any building owned or operated by the Board, by any person.

3. "Act of graffiti" means the drawing, painting or making of any mark or inscription on school real or personal property without the permission of the school.

B. Reporting Vandalism

1. Any school employee who has reason to believe that an act of vandalism has occurred shall immediately report that belief or suspicion to the Principal of the affected building or, if the vandalism occurs at a facility other than a school, the supervisor in charge of the facility.

2. The Principal or supervisor shall promptly institute an investigation of the report by taking these steps as appropriate to the extent and seriousness of the vandalism:

   a. Requesting the reporting employee to file a report of the evidence giving rise to his/her belief or suspicion that vandalism has occurred;

   b. Visiting the site of the vandalism and examining its extent, taking photographs as necessary;

   c. Determining and recording the names of witnesses, if any;

   d. Interviewing witnesses and requesting their written reports of events;

   e. Assessing the costs of repair and replacement of any parts of the building, furnishings, and/or equipment; and

   f. Questioning the person or persons, if any, identified as having caused the vandalism.

3. The Principal will complete and file with the Executive Director a detailed vandalism and property damage report.

4. The Principal will notify the police if the vandalism involves:

   a. Significant damage, or

   b. Arson, or

   c. Theft or burglary, or

   d. The use of 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, or

   e. An act of graffiti.

C. Penalties and Restitution

1. A student who vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with Policy Nos. 5600, 5610, and 5620.

2. A student who vandalizes school property maybe held liable for any damages caused by the act of vandalism.

3. The parents of any minor who injures/vandalizes school property, whether or not the minor is enrolled in this school, maybe liable for damages to the amount of the injury.

   a. The Business Manager shall obtain a professional estimate of the cost of repairs and/or replacements necessitated by the vandalism.

   b. The Business Manager shall present the student's parent with an itemized bill based on the estimated costs.

   c. If, within thirty calendar days, the student's parent has not paid the bill or made arrangements with the Principal for the payment of the bill in periodic installments, the Executive Director shall inform the Board and may recommend that the Board Attorney commence civil action for the amount due together with costs.

d. No diploma, transcript, transfer card, or report card will be issued to the student until all obligations to the Board have been met.

4. The Principal will recommend to the Executive Director and the Executive Director will recommend to the Board, a student whose vandalism of school property is so serious or chronic as to warrant reporting the student to the police.

5. Any 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 the appropriate law enforcement agency.

6. Any person who purposely or knowingly 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 will be reported to the appropriate law enforcement agency.

7. 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.

R 8000 OPERATIONS

Number	Title
R 8220	School Closings
R 8320	Personnel Records
R 8330	Student Records (M)
R 8420	Emergency and Non-Fire Evacuation Plan (M)
R 8420.1	Fire and Fire Drills (M)
R 8420.2	Bomb Threats (M)
R 8420.3	Natural Disasters and Man-made Catastrophes (M)
R 8420.4	Kidnapping (M)
R 8420.5	Asbestos Release (M)
R 8420.6	Accidents To and From School (M)
R 8420.7	Lockdown Procedures (M)
R 8420.10	Active Shooter (M)
R 8431	Toxic Hazard Preparedness Program
R 8441	Care of Injured and Ill Persons (M)
R 8451	Control of Communicable Disease (M)
R 8461P	Reporting Violence, Vandalism, Harassment, Intimidation, Bullying, Alcohol, and Other Drug Offenses - APSSD (M)
R 8462	Reporting Potentially Missing or Abused Children (M)
R 8465	Hate Crimes and Bias-Related Acts (M)
R 8467	Weapons (M)
R 8468	Crisis Response
R 8630P	Emergency School Bus Procedures – APSSD (M)

R 8220 SCHOOL CLOSINGS

Inclement Weather Closings

Staff members will be notified of a school closing due to inclement weather. An employee who finds conditions dangerous for personal travel may stay home and take a personal or emergency day. If none are available, the employee will be required to take the absence without pay.

Delayed and Emergency Closings

In the event of a school closing or delayed opening a Honeywell phone message will be sent to the parent. A Honeywell message will also be sent to transportation companies. If it becomes necessary to close school before the scheduled dismissal time, every attempt will be made to notify the parent.

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R 8320 PERSONNEL RECORDS

A. Content of Record

1. A personnel file shall be assembled and maintained for each person employed by this school. Each file shall contain the original or copies, as appropriate, of the following documents regarding the employee:

   a. The employee's current correct name, address, telephone number, and birthdate;

   b. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;

   c. Annual employment contract and/or annual salary notice, signed by the employee;

   d. Certificates and/or licenses required for employment;

   e. Documentation of fulfillment of requirements for any change in salary classification;

   f. Income tax forms;

   g. Retirement registration;

   h. Hospitalization forms;

   i. Annuity forms;

   j. Rate of compensation;

   k. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;

   l. Assignment to positions, including position title and building to which assigned;

   m. Completed evaluations;

n. Reports of disciplinary incidents;

o. Records of special awards, commendations, or distinctions;

p. Oath of allegiance;

q. Reports of routine physical examinations; and

r. Reports of physical and mental examinations required for cause.

2. No information will be placed in an employees' file that does not pertain to the employee's position in this school and the performance of the employee's duties.

3. The content of personnel files will be reviewed annually and material no longer required will be destroyed.

B. Custodian of Personnel Records

1. The Executive Director is custodian of all personnel records.

2. Personnel records shall be maintained in the Business office, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.

C. Notice of Content of Files

1. Each employee shall be informed of the content of his/her personnel file.

2. Each employee will be notified of the inclusion in his/her file of any document that was not received from the employee or at the direction of the employee.

a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.

b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.

c. No report or letter or memorandum from any source, other than documents referred to in C2b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.

D. Employee Access to Personnel Records

1. Each employee shall be granted access to his/her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative.

2. Written request for access shall be submitted to the Business Manager. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept.

3. The employee shall review the record in the presence of the Business Manager or designee and, at the employee's request, a representative of the employee.

4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his/her comment on that document.

5. The employee may handcopy any portion of his/her file and may receive photocopies of records on payment of the copying fees established for copies of public records.

E. Appeal of Content of the File

1. The employee may appeal to the Executive Director the exclusion or inclusion of any portion of his/her personnel file or the accuracy of any information in the file.

2. An appeal must be made in writing on a form available in the office of the Executive Director.

3. The Executive Director shall render a decision on the appeal as soon as possible, but not later than ten working days from the time the written appeal is submitted. The Executive Director's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.

4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Executive Director's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.

F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.

2. Personnel files may be inspected by Board members when such inspection relates to employment, promotion, transfer, dismissal, or discipline.

3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

G. Computerized Records

1. Computerized personnel records may include only the following information about an employee:

   a. Name, address, and telephone number;

   b. Social security number;

   c. Current assignment;

   d. Work experience;

   e. Employment date; and

   f. Salary guide and step.

2. Computerized information may be used only for the following purposes:

   a. Payroll;

   b. An employee's individual employment record; and

   c. Studies, reports, or surveys conducted by the school or a governmental agency and authorized by the Executive Director, provided that such studies, reports, or surveys do not identify specific employees.

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R 8330 STUDENT RECORDS

A. Definitions (N.J.A.C. 6A:32-2.1)

1. "Access" means the right to view, make notes, and/or reproduce a student record.

2. "Adult student" means a person who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.

3. "Mandated student records" means student records that schools compile pursuant to State statute, regulation, or authorized administrative directive.

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

5. "Permitted student records" means records that the Board of Trustees has authorized, by resolution adopted at a regular public meeting, to be collected to promote the educational welfare of students.

6. "Student record" means information related to an individual student gathered within or outside the school and maintained within the school regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party is excluded from this definition.

7. "Student information directory" means a publication of the Board of Trustees that includes information relating to a student. It 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. The information shall be the student's: name; grade level; date and place of birth; dates of 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.

B. General Considerations (N.J.A.C. 6A:32-7.1)

1. 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.

2. 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.

3. 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.

4. A non-adult student may assert rights of access only through his or her parents. However, nothing in N.J.A.C. 6A:32-7 et seq. or in Policy or Regulation 8330 shall be construed to prohibit certified school personnel from disclosing at their discretion 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.

5. The parent or adult student shall have access to their own records and have access to or be specifically informed about only that portion of another student's record that contains information about his or her own child or himself or herself.

6. The Executive Director or designee shall require all permitted student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer shall cause data no longer descriptive of the student or educational program to be deleted from the records except that prior notice shall be given for classified students in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.

7. 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.

8. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the school shall provide interpretation of the student records in the dominant language of the parents or adult student.

9. Student health records shall be maintained separately from other student records and handled, according to the requirements of N.J.A.C. 6A:32-7.1 et seq., until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

C. School Contact Directory for Official Use (N.J.A.C. 6A:32-7.2)

1. The Board of Trustees shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.

a. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question.

b. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about that student that is contained in the school contact directory for official use.

2. 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.

D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)

1. Mandated student records shall include the following:

a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance;

b. Record of daily attendance;

c. Descriptions of student progress according to the system of student evaluation used in the school;

d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school employees and immunizations;

e. Records pursuant to rules and regulations regarding the education of students with disabilities; and

f. All other records required by N.J.A.C. 6A.

2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy and Regulation 8330. These records may include, but are not limited to:

a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;

b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;

c. Educationally relevant information provided by the parent, adult student, or emancipated minor regarding the student's achievements or school activities;

d. Any correspondence with the student and/or the student's parents;

e. Driver education certificate;

f. Emergency notification form;

g. New student registration form;

h. Withdrawal or transfer form;

i. Change of schedule form;

j. Records of disciplinary infractions, penalties, and disciplinary hearings;

k. Records of the student's co-curricular and athletic activities and achievements;

l. Class rank;

m. Awards and honors;

n. Notations of additional records maintained in a separate file;

o. The statement from a student's parent, adult student, or emancipated minor regarding a contested portion of the record; and

p. Entries indicating review of the file by an authorized person.

E. Maintenance and Security of Student Records (N.J.A.C. 6A:32-7.4)

1. The Executive Director or designee shall be responsible for the security of student records maintained in the school and shall devise procedures/regulations for assuring that access to such records is limited to authorized persons. Policy and Regulation 8330 assures that access to such records is limited to authorized persons.

2. Records for each individual student may be stored either electronically or in paper format. When student records are stored electronically, proper security and backup procedures shall be administered.

3. Student health records, whether stored on paper or electronically, shall be maintained 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.

4. Records shall be accessible during the hours in which the school program is in operation.

5. Mandated student records required as part of programs established through State-administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after graduation, termination from the school, or age twenty-three, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.

6. Any school website shall not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.



F. Access to Student Records (N.J.A.C. 6A:32-7.5)

1. Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

2. 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 or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.

3. 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.

4. Access to and disclosure of a student health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

G. Authorized Organizations, Agencies, and Persons with Access to Student Records (N.J.A.C. 6A:32-7.5(e))

Access shall include only the following:

1. A student who has the written permission of a parent and the parent of a student under the age of eighteen whether the child resides with the parent except per N.J.S.A. 9:2-4:

   a. The place of residence shall not be disclosed; and

   b. Access shall not be provided if denied by a court.

2. Students at least sixteen years of age who are terminating their education in the school because they will graduate secondary school at the end of the term or no longer plan to continue their education;

3. An adult student and parent who has the written permission of an adult student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student;



4. Certified school personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;

5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4:

   a. An approved private school for the disabled;

   b. A State facility;

   c. Accredited nonpublic schools in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or

   d. Clinics and agencies approved by the Department of Education.

6. To fulfill its legal responsibility, the Board of Trustees shall have access through the Executive Director or designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student;

7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;

8. Accrediting organizations in order to carry out their accrediting functions;

9. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;

10. Officials of other school Boards of Education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:



a. Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school with written notification to the parent or adult student;

b. Original mandated student records that a Board of Trustees has required shall be forwarded to the receiving school only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the schools;

c. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Executive Director or designee of the school to which the student has transferred within ten school days after the transfer has been verified by the requesting school;

d. The Executive Director or designee shall request in writing all student records from the school of last attendance within two weeks from the date that the student enrolls in the new school;

e. Upon request, the Executive Director or designee of the school of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and

f. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school.

11. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;

12. Officers and employees of a State agency responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the Board of Trustees shall ask the State agency for its cooperation in sharing the findings of an investigation;

13. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L);

14. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;

15. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order;

16. Bona fide researchers who explain to the Executive Director the nature of the research project and the relevance of the records sought. Researchers shall also satisfy the Executive Director or designee that the records will be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Executive Director prior to the release of information to the researcher;

17. Nothing in N.J.A.C. 6A:32-7.1 et seq. and 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; and

18. In complying with N.J.A.C. 6A:32-7.1 et seq., individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq. - the Open Public Records Act (OPRA) and 20 U.S.C. § 1232g, 34 CFR Part 99 - the Family Educational Rights and Privacy Act (FERPA).

H. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. as listed below shall have access to the records of a student, subject to the following conditions:

1. No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.

2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the Executive Director or designee the request in writing together with any required authorization.

3. The Executive Director or designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student's record of the name(s) of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied, and the purposes for which the data will be used.



4. Prior to disclosure of student records to organizations, agencies, or persons outside the school pursuant to a court order, the Executive Director or designee shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. Such notification shall be provided in writing, if practicable. Only records related to the specific purpose of the court order shall be disclosed.

   a. Notice to the parent shall not be required when he or she is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. § 1232g(b)(2)(B).

5. A record may be withheld from a parent or from an adult student only when the school obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court shall be withheld. When the school has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of his or her request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.

I. Rights of Appeal for Parents and Adult Students (N.J.A.C. 6A:32-7.7)

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissive disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the student record; insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6A:32-7.

2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process shall be as follows:

   a. A parent or adult student shall notify in writing the Executive Director of the specific issues relating to the student record.

   b. Within ten school days of notification, the Executive Director or designee shall notify the parent or adult student of the school's decision.

c. If the school disagrees with the request, the Executive Director or designee shall meet with the parent or adult student to resolve the issues set forth in the appeal.

d. If the matter is not satisfactorily resolved, the parent or adult student has ten school days to appeal this decision to the Board of Trustees.

e. If an appeal is made to the Board of Trustees, a decision shall be rendered within twenty school days. The decision of the Board of Trustees may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes.

f. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student's record with copies made available to the parent or adult student.

3. Appeals relating to student records of students with disabilities shall be processed in accordance with the requirements of I.2. above.

4. 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.

a. 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.

J. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)

1. A student's 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.

a. 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.



2. Student records of currently enrolled students, other than the records that must be maintained for one hundred years as described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of after the information is no longer necessary to provide educational services to a student.

   a. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.

3. Upon graduation or permanent departure of a student from the school:

   a. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.

   b. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq.

   c. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.

4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

5. The New Jersey public school of last enrollment, graduation, or permanent departure of the student from the school shall keep for one hundred years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Issued: 24 October 2019



R 8420 EMERGENCY AND NON-FIRE EVACUATION PLAN

The need for orderly and safe evacuation during certain situations is critical to the safety of the occupants of a school building. If such a threat is deemed immediate, credible, and reasonable, the Principal or designee may order a non-fire building evacuation. In the event the Principal or designee believes a threat does not exist or immediate evacuation is not required, the Principal or designee shall review the situation with the Executive Director, who may consult with local law enforcement officials to review the threat risk.

A. Procedures in the Event it is Determined a Non-Fire Evacuation is Warranted

1. The Principal or designee will immediately order a non-fire evacuation of the school building. The notification process may be the school's fire alarm system, a notice over the school's public address system, or any other method deemed appropriate by the Principal or designee to inform building occupants to evacuate the school building. The evacuation may be an entire or partial building evacuation depending on the circumstances.

2. The Principal or designee will:

   a. Immediately call local law enforcement officials;

   b. Immediately call the Executive Director;

   c. Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;

   d. Notify and maintain contact with the Executive Director regarding the communication to be released to parents, community and media; and

   e. Allow local enforcement officials to control the scene upon their arrival.

3. School staff members, upon receiving notice the school needs to be evacuated, will:

   a. Direct students to gather personal belongings in the classroom or within their immediate area;

   b. Instruct students not to use any electronic communication device until instructed otherwise;

c. Close the windows and doors of their vacated rooms and turn off any light or electrical switch;

d. Take the student roster and the day's attendance;

e. Lead their class or the students under their supervision upon receiving the evacuation notice to the evacuation area;

f. Take attendance when arriving at the evacuation area and report any additional students or missing students to the Principal or designee;

g. Not allow any student to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Principal or designee or law enforcement officials; and

h. Not speak to the media or permit media to interview any student.

B. Procedures After it is Determined the School Building Can be Reoccupied

1. The Principal or designee, upon a determination by school and law enforcement officials that the threat or risk is concluded, will direct the reoccupation of the building.

2. If it is determined the building is not safe to re-enter, the Principal or designee will notify school officials of the situation at the evacuation assembly locations. If it is determined students will be released for the day, the Principal or designee, in consultation with the Executive Director, will coordinate student dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.

3. The school will provide staff and other crisis response team members to provide counseling and support as needed.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 24 October 2019

R 8420.1 FIRE AND FIRE DRILLS

A. Fire Drills

1. The Principal will conduct at least one fire drill each month within school hours, including any summer months during which the school is open for instructional programs. Attempts should be made to conduct drills in various weather conditions and at various times of the school day. Fire drills should always be unannounced to school staff and students. The Principal shall inform local fire fighting officials whenever a fire alarm is for drill purposes.

2. Fire alarm shall be by a building designated signal. Alarm signals should be tested regularly, before or after the school session.

3. When the fire alarm rings, each teacher will:

   a. Direct students to form into a single file line and proceed along the evacuation route to the nearest exit designated for evacuation;

   b. Close the windows of the room and turn off all lights and audio-visual equipment;

   c. Take the class register or roll book;

   d. Ascertain that all students have left the room and that any student who may have left the classroom prior to the fire drill is located and escorted from the building;

   e. Close all doors to the room when the room is empty and keep all doors and exits of their respective rooms and building unlocked during the school hours, except during an emergency lockdown or an emergency lockdown drill;

   f. Ensure the students assigned to him/her have left the school along the route prescribed in the school evacuation plan. In the event a school building has been provided with fire escapes, they shall be used by a part or all of the students performing every fire drill;

g. Direct his/her students to a location not less than a distance twice the height of the building walls and keep the students in a single file line facing the building;

h. Take attendance to determine all students who reported to his/her class have been evacuated from the building and report immediately to the Principal any student who is unaccounted for; and

i. When the recall signal is given, conduct his/her students back to the classroom.

4. Evacuation of the school in a fire drill must be conducted quickly and quietly and in an orderly fashion. Students must be silent, refrain from talking and running, and remain in closed, single file lines. Any student or staff member whose behavior disrupts the conduct of the fire drill shall be reported to the Principal and will be subject to discipline.

5. All persons in the school must leave the building during a fire drill, including all aides, visitors, volunteer workers, and all office, cafeteria, custodial, and maintenance employees, except those employees who have been assigned specific duties to be performed in the school building during a fire drill.

6. Physical education classes in progress outside the building should stop the game activity and line up in place or in their regularly assigned drill position.

7. Students will be instructed not to gather belongings to take outside on the fire drill. In inclement or cold weather, students may pick up their coats and put them on as they exit the building, provided no time is lost in that activity.

8. The office employee responsible for keeping the central attendance register, or a designated substitute, must carry the register out of the building during the drill.

9. The Principal shall report monthly to the Executive Director on the conduct of fire drills. His/Her report will include the date, weather conditions, and time to evacuate for each drill conducted, as well as any comments that could assist in improving the conduct of future drills.

10. Every fire drill will be conducted with seriousness and with the assumption that prompt evacuation is actually required for the safety and survival of persons in the school.

11. The Principal is encouraged to change the circumstances of fire drills so that staff members and students are subjected to various conditions and learn to respond to them quickly, constructively, and safely. Any such variations should take into account the ages and abilities of children.

    a. One or more exits may be designated as "blocked" so that students are required to use alternative evacuation routes.

    b. A fire drill may be designated as a "smoke drill" so that students learn to avoid the hazards of smoke by walking in a low or crouching position (not a crawling position).

B. Fire

1. A school staff member or any building occupant who detects a fire in a school building or on school grounds shall immediately report the fire by calling 911 and/or by activating a fire alarm pull station in accordance with law.

2. The school staff member or building occupant shall also report the fire to the school Principal, if possible.

3. In the event of a fire in a school building, the school Principal shall immediately sound the fire alarm, in the event the fire alarm had not been previously activated, for the evacuation of all students, staff members, visitors, and volunteers.

4. Evacuation shall be conducted in accordance with the fire drill procedures established in paragraph A, except that no employee may remain in the building to perform specific duties.

5. As a precaution, the Principal or designee will maintain a record of disabled students who may require special attention in the event of fire or other evacuation.

   Fire fighters will be promptly informed of the location and special circumstances of each such student.

6. As soon as practicable after the incident, the Principal shall submit a report to the Executive Director on the appropriate form.

Adopted: 24 October 2019

R 8420.2 BOMB THREATS

A bomb threat consists of a message regardless of the source or form or truth of the message, that someone has placed or intends to place in the school an explosive device or any material that will cause significant harm to persons in the school or damage to school property. The bomb threat message may be a telephone call, written, e-mailed, rumored, graffiti or any other communication method.

A. Procedures When a Bomb Threat is Received

1. A bomb threat received by any school employee will be immediately relayed to the Principal or designee.

2. A written bomb threat should be placed in a folder or a folded paper and should be handled as little as possible.

3. If possible, a telephoned bomb threat should be transferred to the Principal or designee.

   a. The Principal or other person who talks to the caller will attempt to keep the caller on the line as long as possible to enhance the chance to identify the telephone caller.

   b. The person talking to the caller should attempt to obtain, by direct questioning and by listening to background clues, and record in writing as much information as possible about:

      (1) The alleged bomb (e.g., its nature, size, specific location, what will cause detonation, detonation time);

      (2) The caller (e.g., name, address, location, gender, age, background, motive);

      (3) The identity of the person who placed the bomb, if the caller denies responsibility;

      (4) The means by which the bomb was delivered to the site;

      (5) The caller's voice (e.g., calm, angry, excited, slow, rapid, loud, slurred, distinct, familiarity); and

      (6) Background sounds (e.g. street noises, music, office or factory machinery, animal noises, voices).

B. Procedures to be Used After a Bomb Threat is Received

1. The Principal or designee will immediately call:

   a. The Police Department/local law enforcement;

   b. The Fire Department; and

   c. The Executive Director's office.

2. If the Principal or designee determines there is reasonable cause to believe an explosive device is present and an immediate evacuation is warranted, the Principal or designee will order the immediate evacuation of the school building. The evacuation will be conducted as follows:

   a. The fire drill alarm may include a building designated code to indicate that a bomb threat has been received;

   b. If the Principal or designee determines that time permits, students will empty their lockers and leave them unlocked; and

   c. School staff members and students will be evacuated to a waiting place at least 1000 feet from the school building and behind cover or to a predetermined area outside the school building.

3. If the Principal or designee determines an immediate evacuation is not warranted the building will not be immediately evacuated until law enforcement officials arrive on the scene and are provided control of the bomb threat situation.

4. The Principal or designee will also:

   a. Prohibit the use of any electronic communication devices to include, but not be limited to cellular telephones and walkie-talkies;

   b. Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;

   c. Notify and maintain contact with the Executive Director regarding the communication to be released to parents, community and media; and

   d. Allow law enforcement officials to control the scene upon their arrival.



5. School staff members, upon receiving notice the school is being evacuated for a bomb threat, will:

   a. Direct students to gather personal belongings in the classroom or within their immediate area;

   b. Instruct students to not use any electronic communication device until instructed otherwise;

   c. Conduct a quick visual survey of their classrooms for any suspicious or unfamiliar objects and report such to the Principal or designee;

   d. Leave the windows and doors of their vacated rooms open and do not turn on or turn off any light or electrical switch;

   e. Take the student roster and the day's attendance;

   f. Lead their class or the students under their supervision upon receiving the evacuation notice to the evacuation area;

   g. Take attendance when arriving at the evacuation area and report any additional students or missing students to the Principal or designee;

   h. Not allow any student to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Principal or designee or law enforcement officials; and

   i. Not speak to the media or permit media to interview any student.

6. If law enforcement officials determine the building can be re-entered, the Principal or designee will order the building to be re-entered. The regular instructional program will be resumed as quickly as possible. If the bomb threat disruption has occurred late in the school day, the Principal may recommend to the Executive Director that the school be closed and students dismissed.

7. In the event an explosive device is found in the school building or on school grounds threatening the safety of staff and students, the Principal or designee will:

   a. Work with law enforcement officials to ensure the continued safety of students and staff;

b. Notify school officials at the evacuation assembly locations of the situation that students will be released for the day; and

c. In consultation with the Executive Director and law enforcement officials, will coordinate student dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.

8. The school will provide staff and other crisis response team members to provide counseling and support as needed.

9. All bomb threat procedures will be conducted with seriousness and dispatch. It is the intention of these regulations that the school community be protected against harm without conferring notoriety on the person who threatens harm.

10. In the event an explosion occurs while the building is evacuated, the Principal or designee, in consultation with the Executive Director and law enforcement officials, will coordinate student dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.

11. The Principal will submit to the Executive Director a written report of each bomb threat received, the steps taken in response, and the outcome of the threat.

These procedures are recommended for implementation in the event a bomb threat is received. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if it is determined modification is needed to best protect the building's occupants.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 24 October 2019



R 8420.3 NATURAL DISASTERS AND MAN-MADE CATASTROPHES

A. Definitions

1. "Natural disasters" include floods, hurricanes, earthquakes, lightning strikes.

2. "Man-made catastrophes" include explosions, toxic hazards, airplane accidents, nuclear accidents, attacks.

B. Procedures

1. The Principal is responsible for responding quickly and reasonably to all natural disasters and man-made catastrophes. The Principal's primarily goal in any emergency is the protection of the students and staff members assigned to his/her building.

2. The Principal shall cooperate with local law enforcement officers, civil defense agencies, and other appropriate authorities.

3. All reasonable efforts will be made to predict or anticipate the occurrence of a natural disaster or manmade catastrophe and to take such steps in advance as may be necessary to protect students and staff and, if possible, school property.

4. Any school employee who detects or suspects a natural disaster or man-made catastrophe shall immediately notify the Principal, who shall immediately evaluate and/or verify the report. The Principal shall report an impending disaster or catastrophe to the Executive Director and the appropriate police or civil authority.

5. If necessary and prudent, the school will be evacuated in accordance with the fire drills procedures set forth in Regulation 8420.1. The alarm for a disaster or catastrophe will be a building designated signal.

6. Until their students are sent home or they are otherwise excused from their duties, classroom teachers will attend to the needs of the students assigned to them. Other teaching staff members and support staff members will report to the Principal or their immediate supervisor for direction. The following personnel should be prepared to take the actions indicated at the direction of the Principal.

   a. The school nurse will set up a station for the treatment of injuries and caring for injured and shocked persons until transportation to hospital facilities is available.



b. The head custodian will survey the damage, if any, done to essential school building services, such as electrical, gas, water, and fuel. He/She will report any such damage to the Principal along with any recommendations for repair or substitution.

c. The cafeteria manager will assess food and water inventories and establish procedures for supplying such food and water as may be required by persons in the school or the school shelter.

7. If the school cannot or should not be re-entered, parents will be notified and students will be sent home as follows:

   a. Students who ordinarily walk to school will be excused,

   b. Students who ride school buses will be excused as soon as bus transportation is available,

   c. The Principal may arrange for private vehicle transportation.

8. Students who cannot be sent home safely shall be sheltered in a safe place in the school or in the place designated for out-of-school shelter in the school evacuation plan. A teaching staff member will be assigned to supervise any such students until they can be transferred to the parent or responsible adult designated by the parent.

9. Parents will be informed of the school's response to the disaster or catastrophe by implementation of the parent call chain established pursuant to Regulation 8420. Reasonable efforts will be made to inform parents promptly of the nature of the emergency and to assure them of their children's safety.

10. The Principal, other administrators, and all school staff members will strive to discharge their responsibilities calmly, intelligently, and prudently.

11. The Principal will make a written report to the Executive Director on the nature of the emergency, the actions taken in response to the emergency, and the outcome of those actions. The report will detail, as necessary, the actions of specific staff members and make such recommendations for commendation or discipline as may be appropriate.

Adopted: 24 October 2019

R 8420.4 KIDNAPPING

A. Definition

1. A person is a victim of kidnapping:

a. When a person is unlawfully removed from the school or school grounds; or

b. When a person is unlawfully confined with the purpose of holding the victim for ransom, reward, as a shield, or hostage; or

c. When a person is unlawfully removed from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or

d. When a person is unlawfully confined for a substantial period of time with any of the following purposes:

(1) To facilitate commission of a crime or flight thereafter, or

(2) To inflict bodily injury on or terrorize the victim.

B. Procedures

1. The following procedures shall be implemented in the event there is reason to believe a student has been kidnapped. The Principal or designee will:

a. Immediately notify the Executive Director;

b. Check school records to determine whether there is a legal custody issue;

c. Contact the student's parent; and

d. Notify the local law enforcement agency.

The Principal or designee will be prepared to provide law enforcement authorities information about the student (to the extent possible) including: a physical description of the student; any photograph of the student; information regarding known friends of the student; the names of any potential witnesses to an abduction; a description of an abductor; and other information that may be helpful to law enforcement in locating the student.

2. The Principal or designee will alert school staff to the possible kidnapping and solicit staff assistance in obtaining information that may be helpful to law enforcement in locating the student.

3. The administrative staff will encourage all staff members remain calm to prevent panic.

Adopted: 24 October 2019

R 8420.5 ASBESTOS RELEASE

The Board of Trustees recognizes certain areas in the school may contain asbestos. The Board and school staff members have implemented the necessary safety measures to eliminate the possibility of asbestos fiber release episodes to ensure the safety of all building occupants. The school maintains an Asbestos Management Plan as required by the Asbestos Hazard Emergency Response Act (AHERA). The following procedures shall be implemented in the event of an inadvertent disturbance that causes an asbestos fiber release episode in a school building.

Procedures

1. The area where the fiber release may have occurred shall be immediately evacuated;

2. The building's heating, ventilating, and air conditioning system shall be shut down;

3. The area where the fiber release may have occurred shall be sealed off and doors shall be closed;

4. The Executive Director and building maintenance supervisor shall be immediately contacted;

5. The names of all persons who were in the area where the fiber release may have occurred shall be recorded and maintained in separate file;

6. The Principal or designee shall communicate to the parents of students, staff, and other occupants of the building as necessary; and

7. The school shall take such action as necessary depending on whether asbestos fibers were released.

Adopted: 24 October 2019

R 8420.6 ACCIDENTS TO AND FROM SCHOOL

The Board of Trustees recognizes that school staff and/or school students may be involved in an accident on their way to or on their way home from school. The school building, depending on the circumstances, will follow these procedures, when practical, in the event there is an accident involving a school staff member or student who is on their way to or on their way home from school.

Procedures

1. The person receiving notice of an accident shall immediately contact police, fire, or rescue department as appropriate. In the event the person receiving notice of such accident is a student, the student shall immediately notify the Principal or designee. In the event the person receiving notice is a school staff member, the staff member shall notify the Principal or designee, or their immediate supervisor after contacting police, fire, or rescue department as appropriate.
2. The Principal or designee, or the immediate supervisor, shall immediately contact the Executive Director.
3. The Principal or designee, or the immediate supervisor, shall notify the parents, spouse, or individual identified on the emergency card as appropriate.
4. In the event the police, fire, or rescue department is aware of the accident when the school is notified of the accident, the Principal or designee, or the immediate supervisor shall continue to attempt to notify the parents, spouse or individual identified on the emergency card as appropriate.
    a. If the parent, spouse or individual identified on the emergency card, is unavailable, the Principal or designee, or the immediate supervisor shall discuss the situation, as appropriate, with an associate at the place of employment of the parent, spouse, or emergency contact.
    b. If contacts are unsuccessful, the Principal or designee, or the immediate supervisor will attempt to contact relatives, neighbors, or faith-based institutions, as appropriate.
5. The school may send a staff member to the scene of the accident, if appropriate.

Adopted: 24 October 2019

R 8420.7 LOCKDOWN PROCEDURES

In the event it is determined by the Principal or designee a circumstance or situation requires the school building's occupants to remain secure within the school building, the Principal or designee may implement lockdown procedures. The following procedures shall be enacted during a lockdown which shall begin with notification to the building's occupants that all occupants should commence lockdown procedures. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation.

A. Procedures in the Event it is Determined a Lockdown is Warranted

1. The Principal and/or designee will immediately:

   a. Inform the Executive Director;

   b. Contact local law enforcement;

   c. Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene; and

   d. Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene.

2. The Principal and/or designee will also:

   a. Communicate to any staff outside the building to stop pedestrians and vehicles, including school buses, from entering the school grounds;

   b. Assign a staff member in the main office to maintain communication with classrooms and monitor status and, if needed, designate a staff member to meet and brief local law enforcement upon their arrival;

   c. Determine, in consultation and with the approval of the Executive Director, the most appropriate means to communicate information to be released to parents, community, and media; and

   d. Will allow local law enforcement officials to control the scene upon their arrival.

3. School staff members, upon receiving notice the school needs to be in a lockdown situation, will:

   a. Turn off all lights, close blinds/shades and turn off electronic equipment;

   b. Instruct students to be absolutely quiet and discourage the individual use of cellular telephones;

   c. Instruct classroom occupants to get on the floor in a sitting or crouching position and direct students away from doors and windows wherever possible;

   d. Close and lock doors and windows from inside the room, if possible;

   e. Secure all staff, students and visitors, including those from hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom areas without risking their own safety or the safety of others already secure;

   f. Not permit anyone to leave a secured room or area until notified by the Principal or designee or law enforcement officials; and

   g. Ignore bells or alarms unless otherwise notified by the Principal or designee or law enforcement officials.

4. Any school staff member not supervising students at the time of the lockdown notification should go to the nearest classroom or secure area to assist other staff members with students. These staff members should ensure any students in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.

5. Teachers shall take student attendance for the students within their secured area and report any additional students in the room and any missing students.

6. Office personnel should remain in the general office areas or any other area that can be secured from the inside. All office doors shall be locked and secured to prevent entrance by an outside intruder.

7. The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.



8. Lockdown Procedures for Those in Exposed Areas - Physical education classes using outside facilities shall, under the direction of the teacher, report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe these students may be at risk re-entering the building, the students may be directed to another secure location off school grounds and/or away from the building.

B. Procedures After Lockdown Situation is Brought Under Control

1. After the lockdown situation has been brought under control, the Principal or designee or law enforcement officials will communicate to building occupants the lockdown situation has ended.

2. Evacuation of the building after the lockdown situation has been declared under control shall be under the direction of the Principal or designee and law enforcement officials.

3. The Principal or designee, in consultation and with the approval of the Executive Director, will coordinate family reuniting procedures.

4. The school will provide staff and other crisis response team members to provide counseling and support as needed.

5. The Principal or designee will debrief with local law enforcement and all other agencies involved in the school lockdown situation.

These lockdown procedures are recommended for implementation in the event it is determined a lockdown is needed. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if he/she determines modification is needed to best protect the building's occupants.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 24 October 2019

R 8420.10 ACTIVE SHOOTER

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to students and school staff. Intruders may possess weapons or other harmful devices. In an active shooter situation, one or more subjects who are believed to be armed has used or threatened to use a weapon to inflict serious bodily injury to another person and/or continues to do so while having unrestricted access to additional victims, their actions have demonstrated their intent to continuously harm others, and their overriding objective appears to be that of mass injury.

A. Procedures in the Event of an Active Shooter in the School or on School Grounds

1. If the Principal or designee determines there is an active shooter in the school or on school grounds he/she will immediately:

   a. Order a lockdown of the school building. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation;

   b. Contact local law enforcement;

   c. Inform the Executive Director;

   d. Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene;

   e. Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene; and

   f. Direct staff and students outside the building, if the active shooter is believed to be in the building, to move immediately to a predetermined evacuation assembly location and be prepared to evacuate the school site, if necessary.

2. The Principal and/or designee will also:

   a. Communicate to any staff outside the building to stop pedestrians and vehicles, including school buses, from entering the school grounds;

b. Assign a staff member in the main office to maintain communication with classrooms and monitor status and, if needed, designate a staff member to meet and brief local law enforcement upon their arrival;

c. Determine, in consultation and with the approval of the Executive Director, the most appropriate means to communicate information to be released to parents, community, and media; and

d. Will allow local law enforcement officials to control the scene upon their arrival.

3. School staff members, upon receiving notice there may be an intruder or active shooter in the school building or on school grounds, will:

a. If not already confirmed, upon first indication of an intruder or armed intruder will immediately notify the Principal or designee;

b. Turn off all lights, close blinds/shades, and turn off electronic equipment;

c. Instruct students to be absolutely quiet and not to use any individual electronic communication device;

d. Instruct classroom occupants to get on the floor in a sitting or crouching position and direct students away from doors and windows wherever possible;

e. Close and lock doors and windows from inside the room, if possible;

f. Secure all staff, students, and visitors, including those in the hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom building areas without risking their own safety or the safety of others already secure;

g. Not permit anyone to leave a secured room or area until notified by the Principal or designee or law enforcement officials; and

h. Ignore bells or alarms unless otherwise notified by the Principal or designee or law enforcement officials.



4. Any school staff member not supervising students at the time of the lockdown notification should go to the nearest classroom or secure area to assist other staff members with students. These staff members should ensure any person in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.

5. Teachers shall take student attendance for the students within their secured area and report any additional students in the room and any missing students.

6. Office personnel should remain in the general office areas or any other area that can be secured. All office doors shall be locked and secured to prevent entrance by an outside intruder.

7. The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.

8. Physical education classes using outside facilities, under the direction and supervision of the teacher, shall report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe students outside the school building may be at risk re-entering the building, the students may be directed to another secure location off school grounds and/or away from the building.

9. The school may establish a predetermined code word or procedure for a staff member to communicate with the school office or administrative staff in the event an intruder enters a classroom or other secured area.

10. The Principal or designee may establish with local law enforcement officials a notification procedure in the event an active shooter or intruder is believed to be in the school building. The notification procedure would alert law enforcement officials if a classroom or other secured area is safe and secure or if emergency assistance is needed. The procedure may be a color card system placing colored cards inside or outside doors or windows or any other procedure agreed to by the Principal and local law enforcement.

B. Procedures After Active Shooter Situation is Brought Under Control

1. After the active shooter situation has been brought under control, the Principal or designee or law enforcement officials will communicate to building occupants the active shooter situation has ended.



2. Evacuation of the building after the active shooter situation has been declared under control shall be under the direction of the Principal or designee and law enforcement officials.

3. The Principal or designee, in consultation and with the approval of the Executive Director, will coordinate family reunification procedures.

4. The school will provide staff and other crisis response team members to provide counseling and support as needed.

5. The Principal or designee will debrief with local law enforcement and all other agencies involved in the active shooter situation.

6. The Executive Director, in consultation with the Principal and law enforcement officials, will determine when school can resume normal activities and will communicate this information to staff, parents, and the community.

These active shooter procedures are recommended for implementation in the event it is determined an active shooter may be in a school building or on school grounds. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if he/she determines modification is needed to best protect the building's occupants.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 24 October 2019

R 8431 TOXIC HAZARD PREPAREDNESS PROGRAM

The following procedures are established to guide the Toxic Catastrophe Preparedness Officer in the implementation of Policy 8431.

1. The Toxic Hazard Preparedness (THP) Officer should obtain municipal tax maps of the area within the survey zone and mark on the maps the location of each facility that is potentially dangerous: chemical plants, waste treatment plants, industrial plants, dumps, storage yards, hazardous waste disposal sites, and so forth.

2. The THP Officer should contact county health departments and the fire and police departments in municipalities within the survey zone to determine which, if any, have completed a plan for emergency response to industrial accidents.

3. The THP Officer should contact the county health department and local fire and police departments and solicit their cooperation in determining the facilities that may pose a danger to the school.

4. The THP officer may obtain information regarding compliance with the Worker and Community Right to Know Act by calling 609-984-3219. Information regarding compliance with the Toxic Catastrophe Prevention Act may be obtained by calling the project office at 609-984-3641. A copy of a facility's environmental survey may be requested by written request to:

   New Jersey Department of
   Environmental Protection
   401 East State Street
   Trenton, New Jersey 08625

5. The THP Officer should visit each of the facilities identified and attempt to enlist the aid of the plant manager. Without suggesting that the plant is mismanaged or a threat to the community, the THP officer should seek the plant manager's cooperation in:

   a. Notifying immediately the school central office and, if appropriate, the Principal, in the event of an accident that might adversely affect students and staff members;

   b. Suggesting appropriate measures to be taken in response to an accident;

c. Suggesting appropriate emergency equipment and supplies that should be kept on hand in the school nurse's office for use in the event of an industrial accident; and

d. Training the school nursing staff in coping with the consequences of exposure to a hazardous substance.

6. The THP Officer shall request local fire and police officers to notify school officials immediately in the event of an industrial accident known to them which might adversely affect students and school staff members. The THP Officer shall also request the aid of fire and police officers as circumstances dictate.

7. The THP Officer will assist the Executive Director in planning and implementing an in-service program to train school employees in recognizing a toxic condition and responding properly to the hazard.

R 8441 CARE OF INJURED AND ILL PERSONS

A. Injuries and/or Illness Requiring Immediate Attention

These regulations apply when a student, staff member, visitor, or other person on school grounds or during a school-sponsored event, activity, or field trip is injured or becomes suddenly ill. A school staff member shall take charge under these circumstances until the school nurse or another medical professional arrives on the scene.

1. The injury or illness shall be reported immediately to the school nurse or, in the absence of the school nurse, to the Principal or designee.

2. If it is evident the illness or injury is serious and immediate medical attention may be required, emergency medical assistance shall be immediately summoned by a telephone call to 911.

3. The injured or ill person shall be examined for any obvious injuries or health problems.

4. The injured or ill person shall be checked for the presence of a necklace or bracelet that identifies a particular medical problem.

5. The injured or ill person shall not be moved, except as may be necessary to remove the person from a dangerous environment.

6. The injured or ill person should be made as comfortable as possible, without moving him/her.

7. No food or liquid should be given to the injured or ill person except on the orders of the school nurse or another medical professional.

8. The injured or ill person shall be informed when emergency medical assistance has been contacted.

B. Emergency First Aid Procedures

1. The school nurse or other medical professional will administer emergency first aid to an injured student, staff member, or visitor.

2. In the event the school nurse or other medical professional is not available or before the school nurse or other medical professional arrives, the school staff member or other adult in charge may administer basic first aid to the injured or ill person until the school nurse or other trained medical professional arrives.

   a. The school nurse will develop, in consultation with the school physician, basic emergency first aid procedures in the event a school staff member may be in the position to provide emergency first aid to an injured or ill person until the school nurse or other medical professional arrives on the scene.

   b. The school nurse will make such basic emergency first aid procedures available to school staff members.

Adopted: 24 October 2019

R 8451 CONTROL OF COMMUNICABLE DISEASE

A. Detection of Communicable Diseases

1. Teachers will be trained to detect communicable diseases in students by recognizing the symptoms of disease.

2. In general, a student who shows one or more of the following symptoms should be sent to the school nurse for evaluation and/or treatment:

   a. Pain, generalized or specific,

   b. Chills,

   c. Fever,

   d. Earache,

   e. Vomiting,

   f. Sore throat,

   g. Enlarged glands,

   h. Skin eruption,

   i. Running nose, or

   j. Red and discharging eyes.

3. A student who shows symptoms of any of the following communicable diseases should be sent promptly to the school nurse for evaluation.

   a. Chicken pox: Small reddish, itchy eruptions on the skin resembling pimples or blisters, which later fill with fluid and form crusts; slight fever.

   b. German measles (rubella): A common cold followed by a light red rash on face and body; small beady lumps behind ears; slight fever.

c. Measles (rubeola): Cold, runny nose, watery and light-sensitive eyes, fever, followed by bluish-white specks (Koplik spots) on inside of mouth, red blotchy rash, and dry cough.

d. Mumps: Tenderness and swelling of the salivary glands below and a little in front of the ear; fever.

e. Streptococcal infections (including scarlet fever, sore throat, and erysipelas): Sudden onset of fever, sore throat, strawberry tongue, followed by bright red rash on body, usually on the inner arm and thigh.

f. Whooping cough (pertussis): A common cold, with irritating cough, followed by repeated series of violent coughs without inhaling, often with respiratory whoops. Cough may end with vomiting.

g. Fifth disease (erythema infectiosum): Fine rash that is most apparent on the cheeks and later spreads to arms and legs, low grade fever.

h. Pink eye (conjunctivitis): Redness of white areas of eyes, accompanied by some itching; eyes may discharge pus and be light sensitive.

i. Impetigo (staphylococcus infection): Lesions.

j. Meningitis-meningococcal: Severe headache, chills, vomiting, convulsions, fever, stiff neck, pain in neck.

k. Hepatitis infectious: Fever, anorexia, nausea, malaise, abdominal discomfort, followed by jaundice.

4. Any person who is ill or infected with any disease below and as outlined in N.J.A.C. 8:57-1.3 or any communicable disease, whether confirmed or presumed will be reported immediately by the school Principal to the County Health Officer or to the New Jersey Department of Health if the County Health Officer is not available. Such telephone report will be followed up by a written report or electronic report within twenty-four hours of the initial report. The diseases to be immediately reported are:

a. Botulism (Clostridium);

b. Diphtheria (Corynebacterium diphtheriae);

c. Haemophilus influenzae, invasive disease;

d. Hepatitis A, institutional settings;

e. Measles;

f. Meningoccal disease (Neisseria menengitidis);

g. Pertussis (whooping cough, bordetella pertussis);

h. Plague (Yersinia pestis);

i. Poliomyelitis;

j. Rabies (human illness);

k. Rubella;

l. Viral hemorrhagic fevers, including, but not limited to, Ebola Lassa, and Marburg viruses;

m. Foodborne intoxications, including, but not limited to, mushroom poisoning;

n. Any foodborne, waterborne, nosocomial, outbreak or suspected outbreak or any outbreak or suspected outbreak of unknown origin;

o. Any other disease included in N.J.A.C. 8:57-1.3.

B. Exclusion From School

1. A student who exhibits any of the symptoms described in A2 or whose condition suggests the presence of a communicable disease as described in A3 or A4 will be sent to the school nurse's office. The teacher will ensure that the student is accompanied by an adult or a responsible student.

2. The teacher will communicate to the school nurse, directly or by written note, the reason for which the student is sent for medical assessment.

3. The school nurse will examine the student and, in consultation with the school medical inspector if the student's condition so indicates, recommend to the Principal the student's exclusion from school for medical reasons.

4. In the event neither the school nurse or the school medical inspector is available to be consulted about the student's condition, the Principal may determine to exclude the student from school.

5. The parent, adult family member, or other responsible adult designated by the parent will be promptly notified by telephone of the students' exclusion and requested to come to school to fetch the student. Until the adult arrives to remove the student, the student will be kept in an isolated location in the school and will be made as comfortable as possible. The student will be supervised at all times by a school staff member.

C. Readmission to School

1. A student who has been excluded from school or retained at home by reason of having or being suspected of having a communicable disease shall not be readmitted to school until the student presents written evidence that he/she is free of communicable disease.

2. Evidence that a student is free of communicable disease will consist of the certification of the school medical inspector or another qualified physician who has personally examined the student.

   No student who has had a communicable disease will be readmitted to school until a physician's certificate indicating the symptoms of the disease have ceased has been provided to the Principal or designee or the school nurse.

D. Reports

1. The school nurse will file such reports as may be required by the New Jersey State Department of Health and in the reporting of communicable diseases in school.

2. When the rate of school absenteeism is in excess of fifteen percent, the school nurse shall report the absenteeism to the local and/or the County Board of Health.

3. The teacher may, with the advice and consent of the Principal and the school nurse, inform the parents of students in his/her class that a student in the class has contracted a communicable disease. The information given to parents may include the specific symptoms of the disease and parents may be encouraged to consult their personal physicians for inoculations that may prevent the disease or ease the symptoms of the disease.

Adopted: 24 October 2019

R 8461P REPORTING VIOLENCE, VANDALISM, HARASSMENT, INTIMIDATION, BULLYING, ALCOHOL, AND OTHER DRUG OFFENSES - APSSD

Any school employee who observes or has direct knowledge from a participant or victim of an act of violence; including harassment, intimidation, and bullying; vandalism; 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.A.C. 6A:16-4.3, shall file a report describing the incident to the Principal. The report shall be on a form to include all of the incident detail and offender and victim information that are reported on the Student Safety Data System (SSDS). A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Policy 5512P.

A. Reporting Violence; Including Harassment, Intimidation, and Bullying; Vandalism; and Alcohol and Other Drug Offenses

1. For each incident report of violence; including harassment, intimidation, and bullying; vandalism; and alcohol and other drug offenses, the Principal shall:

   a. Review the incident report for accuracy in indicating the incident type, offender information, victim information, student demographics, and incident location;

   b. Forward a copy of the incident report to the Executive Director; and

   c. Notify the Executive Director of the action taken regarding the incident.

2. The approved private school for students with disabilities (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.

3. The majority representative of the school employees' bargaining units, if applicable, shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, harassment, intimidation, or bullying pursuant to N.J.S.A. 18A:17-46.

   a. Personally identifying information may be provided to the majority representative of the school employees' bargaining units, if applicable, only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.



B. Reporting Requirements

1. The Executive Director or designee shall:

a. Submit a report to the New Jersey Department of Education of each incident of violence, including harassment, intimidation, and bullying, vandalism and alcohol and other drug offenses in the school utilizing the SSDS;

(1) The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46;

(2) Prior to submission, the Executive Director or designee shall verify the accuracy of the reported information;

(3) The grade regarding the harassment, intimidation, and bullying efforts of the school shall be posted on the homepage of the school's website, if applicable, in accordance with the guidelines promulgated by the Commissioner of Education.

b. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in N.J.A.C. 6A:16-5.3.

C. Hearing Requirements

The Executive Director or designee 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.

D. Knowingly Falsifying the Annual Report on Violence and Vandalism

1. 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.

2. Any employee alleged to have knowingly falsified reported information shall be notified in writing of such allegation and shall be entitled to a hearing before the Board.

3. Upon a determination by the Board that an employee has knowingly falsified reported information, the Board shall take appropriate disciplinary 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.

Issued: 24 October 2019



R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

A. Definitions

1. An "abused child" as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent, guardian, or other person having his/her custody and control:

   a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

   b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;

   c. Commits or allows to be committed an act of sexual abuse against the child;

   d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent, guardian, or other person having his/her custody and control, to exercise a minimum degree of care: (1) in supplying the child with adequate food, clothing, shelter, education, medical, or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;

   e. Or a child who has been willfully abandoned by his/her parent, guardian, or other person having his/her custody and control; or



f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and: (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being; or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused under N.J.S.A. 9:6-8.9 if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

2. An "intern" means a post-secondary student or graduate student in a professional field gaining supervised practical experience.

B. Indications of Child Abuse and/or Neglect

1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:

a. There is evidence of physical injury to a student not likely to have been caused by an accident, regardless of the student's explanation of the injury;

b. A student complains of having been injured or having been sexually molested, with or without external signs of physical injury;

c. A student appears to be malnourished;

d. A student's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;

e. A student complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;

f. A student is excessively apprehensive, fearful, withdrawn, or aggressive;

g. A student is afraid to go home after school or arrives to school unreasonably early;



h. A parent or the caretaker of a child admits having abused the child;

i. The removal from school by the parent, guardian, or other person having custody and control of the child that may be an indicator of additional grievous abuses; or

j. School personnel have any other reason to believe that a child has been subject to child abuse and/or neglect, to include but not be limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.

C. Notification Requirements for School Employees, Volunteers, or Interns

1. Employees, volunteers, or interns working in the school shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, or neglected children.

a. 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.

b. 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.

(1) Notice to the Principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.

2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE 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.



D. School's Notification to Law Enforcement

1. 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 of incidents of potentially missing, abused, or neglected child situations.

   a. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.

   b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school.

      (1) The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.

2. Confirmation by another person is not required for a school employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

E. School Cooperation with Designated Law Enforcement Authorities

1. The school will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.

   a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the student in the presence of the Principal or other designated school official(s).

      (1) If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern working in the school whom he or she feels will be supportive, and who will be allowed to accompany the student during the interview.



b. School administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school who may have information relevant to the investigation.

c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the school will release all records of the student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.

d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the school will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40, and N.J.A.C. 6A:32-7.

(1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Executive Director or designee.

e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the school will release the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.

(1) Such removal shall take place only after the Principal or other designated school official(s) has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.



f. The school will cooperate in the transfer of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.

F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

1. An employee, volunteer, or intern working in the school who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing-, abused-, or neglected-child situation shall be entitled to due process rights.

2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school named as a suspect pursuant to N.J.A.C. 6A:16-11.1(a)2 shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer, or intern and the student.

3. All references to a notification to the designated child welfare authorities of a potential missing-, abused-, or neglected-child situation involving a school employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.

Adopted: 24 October 2019

R 8465 HATE CRIMES AND BIAS-RELATED ACTS

A. Definitions

1. 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, gender, disability, religion, sexual orientation, or ethnicity.

2. 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 in part by racial, gender, disability, religion, sexual orientation, or ethnic prejudice. A bias-related act need not involve an act that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

B. Procedure For Reporting Hate Crimes

1. A school employee will notify the Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:

   a. A hate crime has been committed or is about to be committed on school property; or

   b. A hate crime 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

   c. That a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours.

2. The Principal will notify the Executive Director, the local police department and Bias Incident Officer for the county prosecutor's office.

3. The Principal and the Executive Director 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.

C. Procedure For Reporting Bias Incidents

1. A school employee should immediately notify the Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:

   a. A bias-related act has been committed or is about to be committed on school property; or

   b. A bias-related act 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 school hours.

2. The Principal will notify the Executive Director and the local police department.

3. 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:

   a. The nature and seriousness of the conduct; and

   b. The risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public.

4. The Principal will consult with the Executive Director and should consider:

   a. That the police department or the county prosecutor's office may possess, or have access to, other information that could put the suspected bias-related act in proper context, which could shed light on the motivation for the act or some other unsolved hate crime; and

   b. The possibility that the suspected incident could escalate or result in some form of retaliation that might occur within or outside school property.

D. Nature of Referral

1. The mandatory referral for suspected or committed hate crimes and the presumptive referral for suspected or committed bias-related acts as described in the regulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.

2. Any referral in accordance with this regulation is not an accusation or formal charge.



3. Any referral pursuant to this regulation is predicated on the basis of reasonable suspicion, which is less than probable cause, less than the proof sufficient to sustain an adjudication of delinquency or a finding of guilt in a court of law and less than the proof sufficient to justify the imposition of school discipline.

4. All doubts by school officials should be resolved in favor of referring a matter to the local police department or the county prosecutor's office.

E. Concurrent Jurisdiction

1. 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.

2. The school officials will discontinue the in-school investigation if the local police department or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

F. Preservation of Evidence

1. 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.

2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the local police department or county prosecutor's office in a manner designed to minimize the harm and continued exposure to students by such evidence, but that will not permanently damage or destroy such evidence or otherwise limit its utility in an ongoing investigation or prosecution.

3. The local police department and/or the county prosecutor's office will photograph or otherwise document the location and content of any such graffiti or other bias-based evidence as soon as possible, so that the graffiti or other evidence may be removed or eliminated at the school's earliest opportunity.

Issued: 24 October 2019



R 8467 WEAPONS

A. Definitions

"Weapon" includes:

1. Firearms, which include but are not limited to, any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device, or instrument in the nature of a weapon from which may be fired or ejected any solid projectile ball, slug, pellet, missile, or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It also includes any firearm that is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person. Firearms for the purposes of this regulation means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

2. Components that can be readily assembled into a weapon.

3. Gravity knives, which means any knife that has a blade that is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

4. Switchblade knives, which means any knife or similar device that has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.

5. Daggers, dirks, pen knives, box cutters, stilettos, and other dangerous knives.

6. Ballistic knives, which means any device capable of lethal use that can propel a knife blade.

7. Billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood.

8. Stun guns, which means any weapon or other device that emits an electrical charge or current intended to temporarily or permanently disable a person.

9. Any device that projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

10. Imitation firearms, which means an object or device reasonably capable of being mistaken for a firearm.

B. Confiscation

1. A school employee who confiscates any weapon shall immediately notify the school Principal.

2. The Principal shall immediately notify the Chief of Police of the local police department by telephone that a weapon has been confiscated and shall request removal of the weapon by a police officer. The telephone call shall be confirmed in a written letter.

3. The Principal shall safeguard the weapon until a law enforcement officer takes custody of it.

   a. The Principal shall place the weapon in a box or container.

   b. The Principal shall record or cause to be recorded on the container or on a document attached to the container,

      (1) A description of the weapon;

      (2) The name and signature of the person who confiscated the weapon;

      (3) The date, time, and place the weapon was confiscated;

      (4) The circumstances under which the weapon was confiscated; and

      (5) The name of the student or staff member believed to be in possession of the weapon when it was confiscated.

   c. The container will be placed in a secure location under lock and key and under the Principal's direct control.

d. In the event any person other than the Principal is permitted access to the weapon prior to its retrieval by a law enforcement officer, that person shall enter his/her name and signature on the record along with the time and date of inspection and the reason for the access. Access to the weapon will be permitted only in the presence of the Principal.

e. The law enforcement officer who takes custody of the weapon shall be required to sign and date the record to indicate his/her receipt of the substance or item.

4. The Principal shall provide to the law enforcement officer who takes custody of the weapon:

a. All information concerning the manner in which it was confiscated;

b. The identity of all persons who had custody of the weapon following its confiscation; and

c. The identity of any student or staff member believed to have been in possession of the weapon.

C. Evacuation

1. The Principal shall, in accordance with Regulation 8420, direct the immediate evacuation of the school building or the appropriate portion thereof in the event that:

a. The presence of an incendiary device or explosive is known or is reasonably reliably suspected;

b. A person possessing a firearm or incendiary device or explosive refuses to surrender the weapon and the use of force necessary to confiscate the weapon would place another person at serious risk; or

c. The Principal in his/her judgment believes that the school community is at risk and the building should be evacuated.

2. Regular evacuation routes may be modified as required to protect students and staff members from danger.

3. Law enforcement officers shall be summoned immediately to any school building evacuated under this regulation.

D. Removal of Students from Educational Program

1. A student convicted or found to be delinquent for possessing a firearm on any school property, on a school bus, or at a school-sponsored function or a student committing a crime with a firearm will be evaluated by a psychiatrist and maybe terminated from the school.

2. A student who assaults a member of the school community with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function will be evaluated by a psychiatrist and maybe terminated from the school.

3. The Principal will immediately notify the student's parents and sending district if the student is found to be in possession of a firearm on school property or if a student commits an assault upon members of the school community with a weapon other than a firearm on school property.



R 8468 CRISIS RESPONSE

In responding to a crisis situation, the school administration and staff shall implement the following procedures:

A. LEVEL I - Threat Situation

In the event of an overt threat to an individual:

1. Anyone becoming aware of such a threat shall, without delay, report the nature of this threat, and any details known about the threat to the Principal or their immediate supervisor.

2. The administrator/supervisor, upon receipt of such a report, shall isolate and contain the individual(s) reported to have made said threat. Such action is to be taken only if it is possible to do so without further jeopardizing the safety of the individual threatened, or any other individual on the school premises.

3. If the physical safety of any individual is, or might be jeopardized by an attempt to isolate or contain the individual in question, the local law enforcement authorities shall be contacted for their assistance.

4. Whenever possible, the building supervisor or administrator shall cause any and all other individuals present to be removed from the immediate and surrounding location, to a place of safety.

5. In those instances in which weapons, and/or potentially dangerous materials are discovered to be involved, the local law enforcement authorities shall immediately be notified in accordance with Policy and Regulation 5611P and 8467.

6. The building administrator or supervisor shall, at earliest opportunity, report to the Executive Director the existence of any crisis situation, the status of that situation and any action contemplated or taken by the building administrator.

7. In the absence of an imminent threat to any individual(s) (such as those outlined in #3 or #5 above), the Executive Director may choose to consult with others in determining an appropriate response to the threat situation; e.g., Board Attorney, administrator in whose school the threat has occurred. The Executive Director may also:

a. Convene a meeting of the Crisis Team and/or any members of that Team for consultation regarding an appropriate course of action.

b. Direct the administrator to:

(1) Contact the parents of the individual(s) involved, and require their immediate presence at school to discuss the nature of the threat.

(2) Immediately suspend the student(s) from school, pending further action.

(3) When applicable, place suspended student(s) on Homebound Instruction, pending evaluation by the Child Study Team.

(4) If deemed necessary, report the incident to the local police authorities.

c. In instances in which weapons have been involved, initiate suspension or expulsion proceedings in accordance with Policy and Regulation 5611P.

8. Upon resolution of a Level I situation, counseling services may be provided to individual(s) who have been adversely affected.

9. The Executive Director or his/her designee, shall report to the Board concerning the relevant details of the Level I crisis situation; specifically, those actions contemplated or taken, and the resultant outcome.

B. Level II - Crisis in Progress

During the commission of an act of terrorism, hostage situation or other violence, the jurisdiction of the local/State Police authority is recognized.

1. Aware that such an act is in progress, the administrator shall, without delay, notify the local, State or county law enforcement authorities.

2. The school shall place at the disposal of the law enforcement authorities, all personnel and information that might be supportive and useful in resolving the crisis.

3. The Crisis Team may be immediately convened.

4. The Crisis Team may be briefed on the status of the situation, and will act in an informational and advisory capacity to the Executive Director or his/her designee, and local enforcement agency during the crisis.

5. The Crisis Team members will provide assistance and services as needed to help maintain order. Efforts should also be directed toward generating a sense of control in students, staff and members of the community.

6. The Executive Director or his/her designee, shall act as the primary disseminator of information to the press, public and staff concerning the ongoing crisis. He/she may elect to consult with the local, State or county law enforcement authorities and/or Crisis Team in determining the nature and extent of information to be released. Consideration shall be given to the possible effects the release of information might have on:

   a. The safety of individuals immediately involved in the situation;

   b. The reactions or interpretation of the staff, students or community;

   c. The effect upon law enforcement efforts to resolve the crisis.

C. Level III - Aftermath

Upon resolution of a Level II situation, the Crisis Team shall convene to determine the status of the student body, staff and community; and to determine the steps needed to reestablish a normalized psychological/social environment.

1. The Crisis Team shall consider and make recommendations concerning:

   a. Individuals who are in need of referral to in-school counseling services;

   b. Individuals who need to be referred to agencies or private counselors;

   c. Steps to be taken by staff in dealing with student questions, concerns and fears related to the crisis. To accomplish this, a faculty meeting of the entire staff shall be held as soon as time and circumstances allow;



d. Information to be provided to the classroom teacher which may be shared with students with the objective of reducing fear, rumor, and promoting a calming and healing atmosphere;

e. Debriefing opportunities for staff members who have questions, concerns and fears related to the crisis;

f. Directions to the staff regarding appropriate/inappropriate media contact.

2. The Crisis Team shall:

a. Review the crisis policy and procedures currently in effect;

b. Make suggestions to the Executive Director or his/her designee, for modifications in policy and procedures which have potential for dealing with future incidents.

3. The Executive Director or his/her designee, shall communicate to the Board of Trustees, information concerning the resolution of the crisis situation, details of actions contemplated or taken and recommendations for changes in policy or procedure.

4. Individuals who are members of the student population, and are found to be culpable in the commission of any threat or act as indicated above, shall be subject to:

a. Criminal law pertaining to such acts and individuals.

b. The civil law pertaining to such acts and individuals.

c. New Jersey Education Law and Codes (Regular or Special Education) as they pertain to such acts and individuals.

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R 8630P EMERGENCY SCHOOL BUS PROCEDURES – APSSD

A. Staff Training

1. If the Board of Trustees employs permanent and/or substitute bus drivers directly, the Board will administer a safety education training program in accordance with N.J.S.A. 18A:39-19.2 and 19.3 and N.J.A.C. 6A:27-11.1 et seq. and follow procedures outlined below. If the Board does not administer a safety education training program in accordance with N.J.S.A. 18A:39-19.2 and 19.3 and N.J.A.C. 6A:27-11.1 et seq., the Board shall ensure that bus drivers attend and complete a verified safety education training program.

2. If the Board of Trustees uses a contracted service provider for permanent and/or substitute bus drivers the Board will ensure that the contracted service provider administers a safety education training program in accordance with N.J.S.A. 18A:39-19.2 and 19.3 and N.J.A.C. 6A:27-11.1 et seq. The Board will also ensure that the bus drivers follow the procedures outlined below.

B. Emergency Bus Evacuation Drills

1. The Principal or designee of each school shall organize and conduct emergency bus exit drills at least twice each school year for students who are transported to and from school and all other students shall receive school bus evacuation instruction at least once within the school year.

2. Bus drivers and bus aides shall participate in the emergency exit drills.

3. Bus exit drills will be conducted on school property and shall be supervised by the Principal or by a person assigned to act in a supervisory capacity. The drills will be conducted when weather is conducive to safety and preferably when the bus arrives at school with a full complement of students.

4. The portion of the drill involving the use of the rear emergency door, which requires students to jump from the bus to the ground does need not to be performed by every student and may be demonstrated by others.

5. The bus driver or supervisor of the drill shall:

   a. Describe and demonstrate the use of kick-out windows and split-sash windows;

b. Describe the location and use of flares, flags, fire ax, and other emergency equipment;

c. Give instruction in the opening and closing of front and rear doors, turning off the ignition switch, and setting and releasing the emergency brake;

d. Explain that the bus will be evacuated by the front door when the bus is damaged in the rear and by the rear door when the front door is blocked;

e. Demonstrate the use of the emergency exit door;

f. Instruct students that lunches and books should be left on the bus in the evacuation procedure;

g. Encourage older, bigger students to assist younger, smaller students in their exit from the bus;

h. Have students leave the bus one row at a time, left and right sides alternating, in a prompt and orderly fashion;

i. Instruct students to group a safe distance away from the bus and to wait in that place until directed by the driver, a police officer, or other adult in authority;

j. Tolerate no student misbehavior in the conduct of the drill; the failure of any student to follow directions must be reported to the Principal; and

k. Provide any other training that will protect the safety of the students in the event the bus needs to be exited due to an emergency.

6. In accordance with the provisions of N.J.A.C. 6A:27-11.2(d), emergency bus evacuation drills shall be documented by the Principal and shall include, but are not limited to, the following:

a. The date of the drill;

b. The time the drill was conducted;

c. The school name;

d. The location of the drill;

e. The route number(s) included in the drill; and

f. The name of the Principal or assigned person(s) who supervised the drill.

C. Additional Precautions

1. Bus drivers may, depending on the age of the students on a bus route, discuss with the students additional safety precautions that may be taken in the event of a bus emergency. The safety precautions to be discussed shall be approved by the Principal or designee.

2. Each school bus shall be equipped with:

a. A list of the students assigned to that bus;

b. A basic first aid kit;

c. Several emergency notice cards on which are printed the telephone numbers of the appropriate police department, the receiving school, and an emergency medical service and on which is provided a space for writing the location of a disabled school bus and the name of the bus driver;

d. Flags or flares or other warning devices; and

e. Any other equipment or supplies determined to be included on the school bus by the administration.

3. Each bus driver shall:

a. Inspect his/her bus for possible hazards or safety concerns before driving the bus each day;

b. Keep aisles and passageways clear at all times;

c. Maintain student discipline on the bus;

d. Prohibit the presence of any non-service animal, firearm, ammunition, weapon, explosive, or any other dangerous or illegal material or object on the school bus;

e. Report promptly to the Principal any potential driving hazard on his/her route, such as construction, road work, etc.;

f. Report promptly to the Principal any deviation in the bus route or schedule;

g. Drive within speed limits at all times and exercise extraordinary care in inclement weather;

h. Know and obey all motor vehicle laws and regulations and State Board of Education regulations;

i. Not smoke, eat, or drink while in or operating the bus at any time or perform any act or behave in any manner that may impair the safe operation of the school bus;

j. Visually inspect the school bus at the end of each transportation route to determine that no student has been left on the bus; and

k. Not allow a student on board a school bus unless the bus driver or other employee of the Board or school bus contractor is also on board the bus. This shall not apply when a bus driver leaves the bus to assist in the boarding or exiting of a disabled student or in the case of an emergency.

D. General Emergency Rules

1. Bus drivers are responsible for the safety of the students on their bus. In the event of an emergency, bus drivers must exercise responsible leadership. The safety and well-being of students must be the drivers' paramount consideration. Bus drivers shall stay with their students until another school staff member, law enforcement officer, or a first responder can assume responsibility for the safety of the students.

2. Bus drivers may not leave the school bus when children are aboard except in an emergency and, then, only after they have turned off the engine, removed the ignition key, and safely secured the school bus.

3. A school bus must be evacuated when:

a. There is a fire in the engine or any other portion of the bus;

b. There is a danger of fire because the bus is near an existing fire or a quantity of gasoline or other highly combustible material and is unable to move away;

c. The bus is disabled for any reason and:

(1) Its stopping point is in the path of a train or is adjacent to a railroad track;

(2) A potential exists for the position of the bus to shift thus endangering students; or

(3) The stopping point (e.g., on a hill, curve, or near an obstruction) fails to provide oncoming traffic with at least 300 feet visibility of the bus, thus creating the danger of a collision.

d. The risk of remaining in the bus poses a greater safety risk than evacuating the bus.

4. When a school bus is evacuated, students shall leave the bus by the exit(s) and in the manner that affords maximum safety in the circumstances.

5. Students who have been evacuated from a school bus shall be moved to a safe place and distance from the bus and remain there until the driver or, if the driver is incapacitated, another person in authority has determined that no danger remains or until other alternative safety provisions can be made.

6. No student shall be allowed to request a ride with a passerby or proceed to walk home or leave the scene without the specific approval of the bus driver, a police officer, or other person in authority.

7. In the event a school bus is disabled in the course of providing student transportation, the driver, or a responsible person designated by the driver, will notify the Principal of the receiving school, Transportation Supervisor, or School Business Administrator/Board Secretary of the sending district of the number and location of the bus and the circumstances of the disability. The Principal of the receiving school, Transportation Supervisor, or School Business Administrator/Board Secretary of the sending district will make arrangements for the safety of the students.



E. Specific Emergency Situations

1. In the event of an accident or vehicle failure the following procedures will be implemented:

a. The bus driver shall, in person or through a responsible designee, summon the police and emergency medical services, if necessary, and notify the Principal of the receiving school and the School Business Administrator/Board Secretary of the sending district or designee, of the district providing the transportation.

b. The bus driver will attempt to make all students as safe and comfortable as possible. If possible and necessary, the driver will administer emergency first aid to injured students.

c. In the event of an accident with no apparent or actual injuries and when law enforcement officials permit the bus to continue on its route after investigating the accident the school nurse will:

(1) If the accident occurred on the way to school or during school hours, examine any student who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school; or

(2) If the accident occurred on the way home from school, examine any student who is feeling or displaying any symptoms of any injuries from the accident the next school day or if the parent of a student requests the school nurse examine their child the next school day.

d. In the event of an accident where students are injured, a student(s) may be transported to a hospital if it is determined by law enforcement, medical, and/or first aid staff at the accident scene additional medical treatment is required.

(1) If the accident occurred on the way to school or during school hours, the school nurse will examine any student not transported to the hospital who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school.

(2) If the accident occurred on the way home from school, the nurse will examine any student feeling or displaying any symptoms of any injuries from the accident the next school day or if the parent of a student requests the school nurse examine their child the next school day.

e. If another vehicle(s) is involved, the bus driver will obtain the following information from the driver(s) of that vehicle(s) or from law enforcement officers at the accident scene: driver's name, driver's license number, vehicle owner's name and address, vehicle registration number, owner's insurance company and policy number, and a description of the vehicle (color, make, year, body type).

f. The following notifications must be provided:

(1) The bus driver must report immediately to the Principal of the receiving school and the School Business Administrator/Board Secretary of the sending district or designee of the district providing the transportation, any accident that involves an injury, death, or property damage. In addition, the bus driver must complete and file the Preliminary School Bus Accident Report prescribed by the Commissioner of Education.

(2) The Principal of the receiving school shall retain a copy of the Report and forward other copies of the Report as prescribed by the New Jersey Department of Education.

(3) In addition, a bus driver 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.

(4) The parent of students involved in a school bus accident shall be notified as quickly as possible commensurate with the severity of the accident and injuries, if any, and hospital placement of their child if transported to a hospital by ambulance or by other emergency personnel.



2. In the event the bus driver is incapacitated, the following procedures will be implemented:

   a. A bus driver is incapacitated when he/she is unable to operate the school bus safely or when his/her driving ability is significantly impaired by the driver's physical or mental condition.

   b. If there is a bus aide on the bus, the bus aide will take steps necessary to have the bus pulled off the road to a safe location and shall contact school officials or emergency services for assistance. If a bus aide is not on the bus, the bus driver shall pull the bus off the road to a safe location and contact school officials or emergency services for assistance.

   c. The bus shall be stopped, with due consideration for the safety of its passengers, the motor turned off, the ignition key removed, and safely secure the bus.

   d. The Principal of the receiving school, Transportation Supervisor, School Business Administrator/Board Secretary of the sending district shall immediately arrange for the transportation of the students by substitute driver, substitute bus, or other means.

3. In the event of an injury to a student on the bus, not incurred as the result of a bus accident, the following procedures will be implemented.

   a. In the absence of another responsible adult in authority, the bus driver will take charge of a student who has been injured.

   b. If necessary, first aid will be administered.

   c. If the student's injury is serious, emergency medical services will be summoned; the bus driver or a responsible adult appointed by the bus driver will remain with the student until emergency medical help arrives.

   d. If the student's injury is not serious, and:

      (1) Occurs on the way to the school, the bus driver will deliver the injured student to the school nurse for examination and such treatment or referral as may be required. The school nurse will notify the student's parent;

(2) Occurs on the way to the student's home, the bus driver or another school district staff member will deliver the injured student to his/her parent or to a responsible adult at the student's home or if no one is home the injured student will be transported back to the school location until a parent or another responsible adult can be contacted. If it is determined the student may need medical treatment and a parent or responsible adult cannot be contacted, the child may be transported to the school physician's office or to the nearest hospital emergency room; or

(3) Occurs on the way to or from an extracurricular event, the bus driver will notify a professional staff member assigned to the activity, who will take charge of the student and notify the student's parent.

e. The bus driver will immediately report the incident and any injuries to the Principal or designee of the school in which the student is enrolled.

R 9000 COMMUNITY

Number	Title
R 9130	Complaints and Grievances
R 9150	School Visitors
R 9320	Cooperation with Law Enforcement Agencies (M)
R 9324	Sex Offender Registration and Notification

R 9130 COMPLAINTS AND GRIEVANCES

All complaints and grievances addressed to the Board of Trustees, Board members individually, school officials, or school staff members shall be referred to the Executive Director for consideration in accordance with the following procedures.

A. Complaints Regarding a Teaching Staff Member Other Than Administrator

1. First level

   a. The complainant will be directed to address the matter to the staff member.

   b. The staff member will be directed to discuss the matter directly with the complainant and to make every reasonable effort to explain the difficulty and/or take appropriate action in accordance with school regulations and within his/her authority and school regulations.

   c. The staff member will report the matter, and whatever action may have been taken to resolve the matter, to the Principal.

2. Second level

   a. If the matter cannot be satisfactorily resolved at the first level, the complainant may discuss the matter with the Principal.

   b. The Principal will take all reasonable and prudent steps to resolve the complaint or to explain to the complainant why the matter cannot be resolved as the complainant wishes.

3. Third level

   a. If the matter cannot be satisfactorily resolved at the second level, the complainant may, within three working days of his/her meeting with the Principal, submit to Human Resources a written request for a conference. The request shall include:

      (1) The specific nature of the complaint and a brief statement of the facts giving rise to it,

(2) The respect in which it is alleged that the complainant or the complainant's child has been unfairly treated or adversely affected, and

(3) The remedy sought by the complainant.

b. A copy of the request for conference will be sent to the Board of Trustees.

c. Within seven working days of the receipt of the request, Human Resources shall conduct a conference, at a time convenient to the complainant, and attempt to resolve the matter informally. The time for conference will be extended if the complainant is unable to schedule a convenient meeting.

d. Human Resources shall record in writing his/her disposition of the complaint and shall, within ten working days of the conference, provide a copy of the written disposition to the complainant and to the Personnel Committee.

4. Fourth level

a. A complaint that is not resolved by conference with Human Resources or that seeks a remedy beyond the Human Resources' jurisdiction may be appealed to the Personnel Committee.

b. The complainant may, within three working days of his/her receipt of the Human Resources' written disposition, submit a written request for a hearing before the Personnel Committee. The request will include a copy of the Human Resources' disposition at Level 3.

c. The Personnel Committee shall, within forty-five calendar days of the receipt of the request, conduct an informal hearing before the Personnel Committee, in which the complainant will present his/her complaint. The Personnel Committee may, on the petition of the complainant, permit the examination of witnesses. The Personnel Committee may permit the teaching staff member complained of to testify in his/her own behalf.

d. The Personnel Committee shall, within ten calendar days of the hearing, advise the complainant in writing of the Personnel Committee's disposition of the complaint.

5. Reasonable efforts will be made to expedite a complaint that arises at the end of the school year so that the matter can be resolved before the interruption of summer vacations.

B. Complaints About an Administrative Staff Member

1. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the administrator.

2. A complaint about a Principal or a central office administrator will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Executive Director in accordance with A3.

C. Complaints About a Support Staff Member

1. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the support staff member.

2. Appeal at the second level of the complaint procedure will be to the support staff member's supervisor.

3. A complaint about a support staff supervisor will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Executive Director in accordance with A3.

D. Complaints About a Program, Practice, or Operation

1. A complaint directed to a matter of school policy, procedure, program, or operation, including entitlement programs established by State or Federal law, should be addressed, initially, to the administrator or department head most directly concerned with the matter, in accordance with A1.

2. A complaint that cannot be satisfactorily resolved at the first level may be appealed to the Executive Director and, thereafter, the Board in accordance with the procedures set forth in A3 and A4.

E. Complaints About Instructional and Resource Materials

1. Complaints about textbooks, library books, reference works, and other instructional materials used in the school will be made in writing and submitted to the Executive Director.

2. The complainant will complete and sign a complaint form available in the Principal's office. The form will include:

a. The title, author, and publisher of the work complained of,



b. The specific portions or language complained of (by page and item),

c. The complainant's familiarity with the work objected to,

d. The reasons for the objection,

e. The students or class for whom the work is intended, and

f. The way in which the work is used.

3. Within seven working days of the receipt of the complaint form, the Executive Director shall appoint a review committee consisting of:

   a. The head of the department in which the work is being used,

   b. A teacher in the subject area of the work,

   c. A library staff member,

   d. A Board member,

   e. A lay person knowledgeable in the area of the work, and

   f. The Principal of a school in which the work is used.

4. The review committee will meet to evaluate the complaint and review the material objected to. The standards used by the committee will be those set forth in Policy 2530.

5. The committee will report its findings and recommendations to the Board.

6. The Board will receive the report of the committee. If the Board acts to remove the work complained of or to limit access to the work, its action will be accompanied by a statement of reasons for the removal or limitation.

7. A copy of the committee's report and the Board's action, if any, will be given to the complainant.

8. The complainant will be informed that a decision of the Board may be appealed to the Board of Trustees.

Issued: 24 October 2019

R 9150 SCHOOL VISITORS

A. Definition

"Visitor" means any person present in a school building on a school day during the hours school is in session, other than those persons whose presence is required by their enrollment in the school or employment by the Board and includes, but need not be limited to, parents or legal guardians, family members, community residents, guests, educational researchers, and members of the Board. For the purposes of this regulation, "visitor" does not include persons present in the school building to attend meetings of the Board or events sponsored by organizations granted permission by the Board to meet in the school.

B. Registration

1. Every visitor is required to register in the school office.

2. A notice will be prominently posted at each entrance to the school building, advising visitors to report to the school office before advancing to any other part of the school. Additional signs should be posted in the lobby of the building to advise visitors not to proceed without registering in the school office.

3. The Principal will maintain a logbook in the main office of the school. Each visitor shall enter his/her name and the purpose of his/her visit in the logbook except that the Principal may exempt trades persons who make regular and frequent visits to the school.

4. Each visitor will be given an identification tag or badge, which must be worn while the visitor is in the school. The Principal may give a permanent identification tag or badge to a trades person who makes regular and frequent visits to the school.

5. The Principal or office personnel designated by the Principal shall arrange for an escort to accompany each visitor to his/her destination except that the Principal may permit visitors familiar with the school and personally known to the Principal to proceed unaccompanied.

6. A staff member who encounters a visitor without identification will request the visitor to report at the school office, and if feasible, conduct the visitor to the school office. A visitor who resists the request or refuses to be conducted to the school office shall be reported to the Principal immediately.

7. A teacher shall not admit a visitor to his/her classroom unless the visitor has the identifying tag or badge or is accompanied by the Principal or the Principal's designee.

8. When a visitor has completed the business of his/her visit, he/she will return directly to the school office, return the identification tag or badge, and promptly leave the building.

9. The provisions of this paragraph may be waived for parents attending scheduled parent-teacher conferences.

C. Permission to Visit Classroom

1. Permission to visit a classroom in session must be sought from and granted by the Principal.

2. In general, arrangements to visit a classroom should be made at least three days in advance of the intended visit.

3. If the intended visit would interfere with the planned instructional program, the Principal will so advise the visitor and suggest another time for the visit.

4. The Principal is authorized to exclude a visitor from a classroom if the Principal has reason to suspect that the visitor may disrupt the educational program or threaten the health and safety of students or staff members.

5. The parents who arrives at school without having sought advance approval of a classroom visit may be admitted to the classroom at the discretion of the Principal.

6. The Principal may arrange visits to classrooms by educators and student teachers with the cooperation and consent of the classroom teachers.

7. Teachers may invite guest speakers or observers to their classrooms with the approval of the Principal. Each such guest speaker and observer must sign the school logbook.

8. The Principal has the authority to evaluate all requests to visit a classroom. A denied request will be accompanied by an explanation of the denial. The parents who has been denied access to his/her child's classroom may appeal the Principal's decision to the Executive Director, whose determination may be appealed to the Board of Trustees in accordance with Policy 9130.

D. Limitations on Visits to School

1. Visitors are permitted in the school only during school hours.

2. A visitor may remove a student from school only in strict accordance with Policy 5230.

3. A visitor may confer with a student in the school only with the approval of the Principal and in the presence of a teaching staff member.

4. A visitor to a classroom shall not interrupt the instructional program, speak to or disturb students, or distract the teacher. A visitor who wishes to confer with the teacher must make arrangements for a conference at a later date.

5. A visitor may not bring a child or children to a classroom without the express permission of the teacher and the Principal.

6. A classroom visit may ordinarily not exceed sixty minutes without the express permission of the teacher and the Principal.

7. The Principal may restrict the number of visitors to any classroom at any one time. Preference will be given to the parents of students in the classroom.

E. Disruptive Visitors

1. The Principal has complete authority to exclude from school premises any person whom he/she believes may:

   a. Disrupt the instructional program;

   b. Disturb teachers or students; or

   c. Commit an illegal act.

2. A visitor whose presence or conduct is disruptive or whose conduct in the past suggests that he/she may be disruptive may be requested to leave the school premises. If the visitor so requested does not withdraw, the Principal may summon assistance from the local police department.

3. A visitor who presents a serious and immediate threat to the health and safety of persons in the school may be subdued by appropriate means pending the arrival of law enforcement officers.

4. If the Principal has been alerted to dangerous persons in the vicinity of the school or has been informed that a person intends to enter the school with the intent of doing harm, the Principal may, in his/her discretion:

   a. Assign personnel to patrol entrances to the school and deny entrance to any person not properly identified or personally known to them;

   b. Secure the services of professional security personnel to monitor entrances; and/or

   c. Lock all school entrances other than the main entrance so that doors cannot be opened from the outside (taking all necessary steps to ensure that doors can be opened from the inside by pressure on crash bars).

R 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

A. Relations with Local Police Department

1. The Principal will endeavor to establish a continuing cooperative relationship with the law enforcement officers that serve the area in which the school is located.

2. Local police officers will be encouraged to visit the school on regular tours of duty so that their presence in the school is helpful and non-threatening.

3. Police should be encouraged to take active roles as resource persons in school programs in order to bring them into direct contact with students and to impress students with the positive aspects of police protection and security. Police officers may be invited to participate in such programs as driver education, substance abuse, and health/family life education.

4. At the same time that he/she works toward a liaison with the police and assists the police in the necessary performance of their responsibility to enforce the law, the Principal will impress upon the police his/her role as protector of the rights and interests of the students enrolled in the school.

5. For the purposes of this Regulation:

   a. "Police Department" means the law enforcement agency designated by the County Prosecutor to receive such information.

   b. "Principal" means the Principal and/or designee.

   c. "Executive Director" means the Executive Director and/or designee.

   d. "School staff member" means any school employee.

B. Summoning the Police onto School Property for the Purpose of Conducting Law Enforcement Investigations, Searches, Seizures, Arrests and in Emergencies

1. Police may be summoned to the school by the Principal or, in the absence of the Principal, the staff member in charge of the school building. If the Principal or staff member in charge is not immediately available in an emergency situation, the police may be summoned by any staff member with direct knowledge of the emergency, who shall report his/her call to the Principal at the earliest possible time.

2. The telephone number by which police can be summoned shall be prominently displayed at telephones in the school that have an outside line.

3. Police officers should be summoned to the school:

   a. When an incident involving the suspected or actual use, possession, or distribution of alcohol or a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon occurs, in accordance with Regulation 5530P;

   b. When evidence indicates that a crime has been committed, that a break and entry has occurred, that a deadly weapon is on school premises, or that a breach of the peace has occurred, in accordance with Regulation 7440P;

   c. When an act of vandalism has occurred, in accordance with Regulation 7610;

   d. When fire is detected and immediately after the fire department has been summoned, in accordance with Regulation 8420.1;

   e. When a bomb threat has been received, in accordance with Regulation 8420.2;

   f. When the school is threatened by toxic hazard, in accordance with Regulation 8431;

   g. In a serious medical emergency, in accordance with Regulation 8441;

   h. When a visitor to the school is seriously disruptive and/or refuses to obey the Principal's order to leave the premises, in accordance with Regulation 9150; and

   i. In any other instance in which the Principal or staff member in charge has cause to believe the health, safety and welfare of the building occupants and/or property are in jeopardy.

4. An emergency call to the police should include the:

   a. The name and title of the caller;



b. The name and location of the school building in which law enforcement is needed; and

c. A brief description of the nature of the situation, including an accurate assessment of the seriousness of the situation.

5. If possible, a staff member or responsible student should be dispatched to meet and guide responding officers.

6. If offenders are to be arrested, a staff member should be prepared to assist the police in obtaining the necessary warrants.

C. Planned Security Protection at School Events and Extra-Curricular Activities

1. Each September or before, the Principal will provide the local police department with a calendar of events scheduled at the school for the school year just beginning. The calendar will be updated as necessary during the year.

2. The Principal will review with the police the events for which the need for police assistance and/or security is anticipated. Their review will include:

a. The number of officers required,

b. The responsibilities to be assumed by the officers, and

c. The remuneration, if any, each is to receive.

D. Police Investigations in the School

1. The Principal shall demand proper identification of any individual who represents him/herself as a police officer before the Principal permits any investigation to go forward. The Principal may verify this identification with the Police Department or the law enforcement agency that the individual claims to represent.

2. A police officer's request for access to school records will be responded to as follows:

a. A request for access to the public records of this school will be granted only in accordance Board of Trustees' guidelines and law.

b. A request for access to school or Board of Trustees records that are classified as confidential shall be reported to the Executive Director or Board Secretary, who will determine, in consultation with the Board Attorney, whether or not to release the record.

c. A request for access to personnel records that are classified as confidential by Policy 8320 shall be reported to the Executive Director and shall be released only if:

(1) The employee concerned has consented to inspection of his/her file, or

(2) The law enforcement officer presents a warrant authorizing a search or certain confidential records from the file.

(3) The Executive Director may consult with the Board Attorney prior to releasing any personnel records that are classified as confidential.

d. A request for access to student records that are classified as confidential by law and by Policy 8330 shall be reported to the Executive Director and shall be released only if:

(1) The adult student concerned or parents of the minor student concerned has consented in writing to the inspection; or

(2) The police officer presents to the Executive Director a court order authorizing access to the record; or

(3) The adult student concerned or parents of the minor student concerned has been given at least three days written notice of the name of the requesting agency and the records requested and has not obtained a judicial order barring access.

(4) The Executive Director may consult with the Board Attorney prior to releasing any student records that are classified as confidential.

3. A request by law enforcement officials to interrogate students, on school premises or while under the protection of the school, shall be handled as follows:

a. The police officer shall be required to ask the Principal for access to the student, regardless of the student's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.

b. The Principal shall ask the police officer to delay the interrogation or conduct the interrogation away from school. In general, it should not be necessary to conduct an interrogation in school unless the matter involves:

(1) A crime committed in school; or

(2) An investigation that would be compromised without the interrogation in school; or

(3) An endangerment to the lives or safety of students or other persons; or

(4) Other reasons law enforcement officials believe an interrogation must be conducted in school and cannot wait until the student is away from school.

c. The Principal shall make every reasonable effort to notify the student's parents of the request by law enforcement officials to interrogate the student while in school to receive the parent's consent to permit the student to be interrogated before the interrogation.

(1) The Principal will permit the interrogation if the parents consents to the interrogation.

(2) The Principal will delay the interrogation in the event the parents requests to be present during the interrogation.

(3) The Principal will deny the law enforcement official an interrogation if the parents cannot be contacted or if the parents do not consent to the interrogation.

(4) In the event the interrogation is not denied by the Principal for the reasons in (3) above, the Principal will immediately contact the Executive Director, who will contact the Board Attorney to determine the Principal's and school's legal responsibilities under the circumstances of law enforcement's request for the student to be interrogated in school.

d. A student shall not be removed from school for interrogation unless:

(1) The student has been lawfully arrested; or

(2) The adult student or the parent of a minor student has consented to the removal.

4. The Executive Director and Principal will cooperate with law enforcement authorities in the planning and conduct of undercover school operations.

a. The Executive Director shall approve such undercover operations without prior notification to the Board of Trustees in accordance with N.J.A.C. 6A:16-6.2(a)6.i.

b. All information relative to any undercover school operation shall be kept strictly confidential by the Executive Director and the Principal and may not be divulged to any person without the express approval of the County Prosecutor.

c. The Executive Director and/or Principal must immediately inform the County Prosecutor in the event it becomes known by such authorized school official(s) that any information regarding the existence of an undercover operation has been revealed.

5. A request or attempt to arrest a student, on school premises or while under the protection of the school, shall be handled as follows:

a. The police officer shall be required to ask the Principal for access to the student, regardless of the student's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.

b. The police officer shall not be permitted to arrest or take custody of a student unless:

(1) The Principal lawfully requests the removal of the student; or

(2) The officer has probable cause to arrest the student for a felony; or

(3) The officer has an arrest warrant or a judicial order requiring the custody of the student.



c. The Principal shall request the police officer to defer the arrest to another time and place or, if that is not possible, to take steps to protect the student's privacy, such as taking custody in a private place or assigning the taking of custody to a nonuniformed police officer or a school security officer.

d. The Principal shall make every reasonable effort to notify the student's parent of the impending arrest.

e. The Principal shall determine the place to which the student will be removed and held in custody or detention and will so inform the parents.

f. Notwithstanding anything to the contrary in this Regulation, a police officer has the legal right to take direct and unhindered action in the school.

(1) In an emergency situation, where the commission of a crime or offense involving felony or a serious breach of the peace in school has been witnessed by the officer, or

(2) The police officer is in "hot pursuit" of the student for such a crime.

g. In any situation in which a police officer takes direct action, the Principal shall be promptly notified.

E. Reporting Students or Staff Members to Law Enforcement

1. Any staff member having reason to believe that a student or 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, on or within 1,000 feet of the outermost boundary of the school property pursuant to N.J.S.A. 2C:35-7, 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.

a. Either the Principal or the responsible staff member shall notify the Executive Director.

b. The Executive Director will notify the Police Department and/or County Prosecutor all known information concerning the matter, including the identity of the student or staff member involved.

c. The Executive Director and/or Principal will not disclose the identity of any student or staff member who has voluntarily sought treatment or counseling for a substance abuse problem provided the student or staff member is not currently involved or implicated in drug distribution activities.

d. An admission by a student or staff member in response to questioning initiated by the Principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids or drug paraphernalia by the Principal or teaching staff member, shall not constitute a voluntary, self-initiated request for counseling and treatment.

2. The Principal, or in the absence of the Principal the staff member responsible at the time of the alleged violation, will report to the police department. Whenever any staff member develops reason to believe that a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r) or not, except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, has unlawfully been brought onto school property, or that any student or other person is in unlawful possession of a firearm or other deadly weapon, whether on or off school property, or that any student or other person has committed an offense with or while in possession of a firearm, whether or not such offense was committed on school property or during school operating hours.

   a. Either the Principal or the responsible staff member shall notify the Executive Director, who shall notify the Police Department as soon as possible.

   b. The Executive Director will provide to the Police Department all known information concerning the matter, including the identity of the student or staff member involved.

3. The Executive Director and/or the Principal will immediately notify the Police Department whenever any school staff member in the course of his or her employment develops reason to believe that a student has threatened, is planning, or otherwise intends to cause death, serious bodily injury or significant bodily injury to another person under circumstances in which a reasonable person would believe the student genuinely intends at some time in the future to commit the violent act or carry out the threat.



4. The Executive Director and/or the Principal will immediately notify the Police Department whenever any school employee in the course of his or her employment develops reason to believe that a crime involving sexual contact or criminal sexual conduct has been committed on school property, or by or against a student during school operating hours or during school-related functions or activities.

5. School employees will immediately notify the Principal and/or Executive Director when in the course of their employment they develop reason to believe that 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. This notification is required whether or not such offense was or is to be committed during school hours. This notification is also required if 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 school hours.

   a. The Principal and/or Executive Director will promptly notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office in the instances described above.

   b. The Principal and/or Executive Director will immediately notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office where 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.

F. Handling of Substances, Firearms and Other Items

1. Any school employee who seizes or discovers any substance or item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn the substance or item over to the Principal or designee.

   a. The Principal or designee shall immediately notify the Executive Director or designee who shall notify the Police Department.

   b. The school employee, Principal or designee shall safeguard the substance or paraphernalia against further use or destruction and shall secure the substance or paraphernalia until such time as the substance or paraphernalia can be turned over to the appropriate law enforcement officials.

c. The Principal will provide to the County Prosecutor or designee all information concerning the manner in which the substance or paraphernalia was discovered or seized, including:

(1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

(2) The identity of any student or staff member believed to have been in possession of the substance or paraphernalia.

d. The Principal will not disclose the identity of any student or staff member who on his or her own initiative turned over the substance or paraphernalia to a school employee, provided that there is reason to believe that the student or staff member was involved with the substance or paraphernalia for the purpose of personal use, not distribution activities, and further provided that the student or staff member agrees to participate in an appropriate treatment or counseling program.

An admission by a student or staff member in response to questioning initiated by the Principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia by the Principal or teaching staff member will not constitute a voluntary self-initiated request for counseling and treatment.

2. Whenever a school employee seizes or comes upon any firearm or dangerous weapon, school officials will:

a. In the case of a firearm, immediately advise the Police Department and secure the firearm pending the response by the Police Department to retrieve and take custody of the firearm; and

b. In the case of a dangerous weapon other than a firearm, immediately advise the Police Department and secure the weapon pending the response by the Police Department to retrieve and take custody of the dangerous weapon.

3. School employees having custody of a firearm or dangerous weapon shall take reasonable precautions to prevent the theft, destruction or unlawful use of the firearm or dangerous weapon by any person.



G. Confidentiality of Student or Staff Involvement in Substance Abuse Intervention and Treatment Programs

1. All information concerning a student's or staff member's involvement in a school intervention or treatment program for substance abuse shall be kept strictly confidential, according to the requirements of 42 CFR Part 2.

2. Nothing in this Regulation shall be construed in any way to authorize or require the transmittal of any information or records which are in the possession of a substance abuse counseling or treatment program.

3. The Principal will not disclose to law enforcement officials or to any person other than a member of the local school's comprehensive alcohol, tobacco and other drug abuse program that a student or staff member has received or is receiving services through the local school's comprehensive alcohol and other drug abuse program. The Principal will not disclose any information, including the student's or staff member's identity or information about illegal activity, where such information was learned in the course of or as a result of services provided through the local school's comprehensive alcohol and other drug abuse program.

4. Nothing in this Regulation shall be construed to preclude the disclosure of information about illegal activity that was learned by any school employee outside of the local school's comprehensive alcohol and other drug abuse program.

   Any such information about illegal activity shall be reported according to the requirements of this Regulation.

H. Records

1. The Principal shall report to the Executive Director each incident involving an interrogation, search, or arrest of a student by a law enforcement agent.

2. The Principal shall record in writing and enter in the student's file:

   a. The date, time, place, and circumstances of the incident;

   b. The name of the officer and the law enforcement agency he/she represents;

   c. The name of the student;



d. The notification or attempt to notify the student's parents; and

e. An anecdotal description of the incident, including such information regarding its conduct as may be necessary to show that the student was fairly or unfairly treated.

I. In-Service Training

The Executive Director will develop, in conjunction with the Principal(s), the County Prosecutor's Office and the Police Department, in-service training for school staff regarding Policy and Regulation 9320.

J. Agreement or Memorandum of Understanding With Law Enforcement

1. The Executive Director and Police Department will meet on a regular basis, or at least annually, to discuss the implementation and need for revising the Agreement or Memorandum of Understanding and to review the effectiveness of the policies and procedures implemented.

2. Any Agreement or Memorandum of Understanding between the Board of Trustees and Law Enforcement Officials will be approved by the Board of Trustees and will be submitted to the Police Department, County Prosecutor and County Superintendent of Schools.

R 9324 SEX OFFENDER REGISTRATION AND NOTIFICATION

A. Definitions

1. Tier One Offender - An offender that is a "low risk of re-offense", thus constituting a low risk of harm to the community. This offender is one who, because of the type of crime, the lack of violence in his/her behavior, the lack of a substantial criminal history and the existence of ties to the community presents no more than a possible risk of re-offense.

2. Tier Two Offender - An offender who is a "moderate risk of re-offense", thus constituting a moderate risk of harm to the community in that the pertinent documents demonstrate that they are reasonably likely to re-offend, warranting limited notice for the protection of the public.

3. Tier Three Offender - An offender who is a "high risk of re-offense" in that the available record demonstrates that there is a probable risk of re-offense, warranting notice to the community likely to encounter the offender.

4. Likely To Encounter - Law enforcement agencies, community organizations or members of the community who are in a location or in close geographic proximity to a location which the offender visits or can be presumed to visit on a regular basis.

5. Fair Chance to Encounter - The types of interaction which ordinarily occur at that location and other attendant circumstances demonstrate that contact with the offender is reasonably certain.

B. Notification to the Approved Private School for Students with Disabilities (APSSD) From the Law Enforcement Agency/County Prosecutor's Office

1. The Principal will be notified by the Prosecutor's Office, without the need to register to be notified, for all sex offenders classified as Tier Two or Tier Three Offenders. Local law enforcement agencies and/or the County Prosecutor's Office will determine there is a "fair chance to encounter" the offender in determining community notification. In any event the Principal will be notified for all Tier Two and Tier Three Offenders.

2. The Principal 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.

3. The County Prosecutor's Office determines whether the APSSD should receive notification.

4. 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.

C. APSSD Procedure Upon Notification From the Law Enforcement Agency/County Prosecutor's Office

1. The Principal 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 will take appropriate steps to educate and alert those staff members who are charged with the care and supervision of children, emphasizing that this information is intended to assist staff members in the protection of their charges, not to provide notification to the community at large.

2. The Principal, in conjunction with the appropriate law enforcement agency and the County Prosecutor's Office will provide information, along with appropriate advice regarding the safeguarding of the APSSD's children.

3. All APSSD staff are prohibited from releasing any of this information to the public at large. All inquiries from community members, non-affected APSSD staff, all parents and other members of the general public shall be directed to the appropriate law enforcement agency and/or the County Prosecutor's Office.

Issued: 24 October 2019

