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Policy

CONCEPTS AND ROLES IN COMMUNITY RELATIONS; GOALS AND OBJECTIVES

The Salem City Board of Education believes that school district community relations is not solely an information program but encompasses all aspects of the relationship with the total community.

The board of education believes its school-community relations program should:

- A. Promote public interest and participation in the operation of the school system;
- B. Gather information about public attitudes toward the school system and its programs and report them to the superintendent and the board;
- C. Provide an honest, continuous, comprehensive flow of information about the policies, procedures, programs, problems and progress of the school system to the community and the staff;
- D. Develop the most effective means of communication with the school system's public and use available media as appropriate;
- E. Develop programs in the schools that will integrate home, school, and community in meeting the needs of district students;
- F. Develop and maintain the confidence of the community in the school board and the school staff;
- G. Develop a climate that attracts good teachers and encourages staff to strive for excellence in the educational program;
- H. Anticipate and forestall problems that are brought about by lack of understanding,
- I. Evaluate past procedures to make improvements in future communications.

The superintendent shall be responsible for developing programs, techniques, and channels for implementing this policy.

Relations with Parents/Guardians

The Board believes that the education of children is a joint responsibility, one it shares with the parents/guardians of the school community. To ensure that the best interests of the child are served in the process, a strong program of communication between home and school must be maintained.

The Board feels that it is the parents/guardians who have the ultimate responsibility for their children's in-school behavior, including the behavior of pupils who have reached the legal age of maturity, but are still for practical purposes, under parental authority. During school hours, the Board, through its designated administrator acts in loco parentis or in place of the parents/guardians.

For the benefit of children, the Board believes that parents/guardians have a responsibility to encourage their child's career in school by:

- A. Supporting the school in requiring that the children observe all school rules and regulations and by accepting their own responsibilities for children's willful in-school behavior;
- B. Sending children to school with proper attention to their health, personal cleanliness and dress;

**CONCEPTS AND ROLES IN COMMUNITY RELATIONS;
GOALS AND OBJECTIVES** (continued)

- C. Maintaining an active interest in the student's daily work and making it possible for the student to complete assigned homework by providing a quiet place and suitable conditions for study;
- D. Reading all communications from the school, and signing and returning them promptly when required to do so;
- E. Cooperating with the schools in attending conferences set up for the exchange of information on the child's progress in school.

Relations with Other Educational Institutions

It is the policy of the Salem City Board of Education that strong lines of communications be maintained by the district with other districts and institutions that provide programs, training, or services.

In the case of parochial and private schools, the superintendent shall:

Cooperate fully in the implementation of all state and federal programs administered by this district that benefit in whole or in part, eligible pupils attending private or parochial schools.

In the case of institutions of higher education, the superintendent shall:

- A. Cooperate with state institutions in the placement and evaluation practice teachers in accordance with Board policy on student teachers and interns;
- B. Encourage local colleges to provide graduate level courses for the benefit of district staff members.

Adopted: December 13, 1979, June 12, 2002, March 28, 2007, October 10, 2018
 NJSBA Review/Update: February 21 2022
 Readopted: August 10, 2022

Key Words

Community Relations, Public Relations, School District Public Relations, Public Attitudes, School-Community Program, Community Participation, Community Involvement

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
N.J.S.A. 47:1A-1 et seq. Examination and copies of public records (Open Public Records Act)
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:30-3.1 Comprehensive review of public school districts

Possible

Cross References: *1100 Communicating with the public
 *1120 Board of education meetings
 *1200 Participation by the public
 *1220 Ad hoc advisory committees
 *2224 Nondiscrimination/affirmative action
 2232 Internal administrative communications
 *2240 Research, evaluation and planning
 *2255 Action planning for NJQSAC
 *3510 Operation and maintenance of plant
 *3542 Food service

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*Indicates policy is included in the Critical Policy Reference Manual.

Policy

EDUCATIONAL PHILOSOPHY

The Salem City Board of Education of the school district recognizes its primary responsibility to be the preparation of all students for contributing membership in our democratic society. To accomplish this, it is the duty of the school district to strive to attain the highest possible degree of individual achievement in the areas of basic skills while providing for the unique academic and non-academic needs of each student.

The educational program thus offered must integrate a sound academic program with citizenship training which instills high standards of integrity, self-respect, physical and mental health, and recognition of the rights of others while accepting personal responsibility for all actions. This program must be administered and staffed by well-trained and highly competent personnel who will work to maintain a cooperative attitude toward one another while exhibiting professional skill and sincere concern for the welfare and academic accomplishments of the students. The board recognizes its responsibility to employ such professionals and staff members and to encourage professional growth and pride among these employees by lending support and encouragement as well as striving to achieve and maintain the most suitable and healthful physical plant for the pursuit of school activities.

To meet the unique needs of each student, both academic and non-academic programs must contain provision for the broadest scope of individual achievement, thus offering or providing for the individual needs of all classifications of students – but attention to any one particular level of the educational spectrum should not work to the detriment of any other group. Standards in all programs must be set which call for the best from each student. Realizing the fullest individual potential while promoting opportunities for social growth and self-direction should be the aim.

The Salem City Board of Education recognizes its responsibility to promote cooperation between the school and the several community agencies responsible for the development of youth as well as its responsibility to promote understanding and cooperation with parents and other interested parties in order to prepare adjusted, self-sufficient citizens of society.

The board also recognizes its role in serving the total community through programs which encourages the responsible use of professional talents and physical facilities for adult education, senior citizen program, municipally sponsored activities, PTO and other service organizations programs and recreational, physical fitness, health and safety programs for all ages.

Adopted: March 28, 2007, October 10, 2014
NJSBA Review/Update: February 2022
Readopted: August 10, 2022

Key Words

Community Relations, Public Relations, School District Public Relations, Public Attitudes, School-Community Program, Community Participation, Community Involvement

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act

N.J.S.A. 47:1A-1 et seq. Examination and copies of public records
(Open Public Records Act)

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

N.J.A.C. 6A:30-3.1 Comprehensive review of public school district

N.J.A.C. 6A:8-3.1 et seq Implementation of the Core Curriculum Content

Standards Manual for the Evaluation of Local School Districts

New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible

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*Indicates policy is included in the Critical Policy Reference Manual.

COMMUNICATING WITH THE PUBLIC

The Salem City Board of Education will keep the community informed of the status of the schools through advertised public meetings, press releases and such other means as may be appropriate.

The public information program of the board and the district shall be directed by the superintendent, who shall arrange to keep the public informed regarding the policies, administrative operations, objectives, and successes or failures of the schools and shall provide interpretation and explanation of the schools' plans and programs.

The district's budget; its audit; its annual goals and its progress toward achievement of them; its special education plans; its bilingual/ESL program; student progress toward achievement of the New Jersey Student Learning Standards; graduation statistics and any other information shall be communicated to the public as required by law.

The board's meetings and records shall be a matter of public information except as such meetings and records pertain to individual personnel and other classified matters.

Annually, the school district shall compile and disseminate a report card of each school, which shall contain statistical information specified by the Department of Education, to all staff and parents. The report card for the school shall be distributed to the staff members and the parents/guardians of pupils enrolled in the school. The profiles of the school shall be made available to the media and to members of the public at a public meeting of the board.

The homepage of each school and the district website will include the grade received from the Commissioner of Education on the effort of each school and the district to implement policies and programs consistent with the laws on harassment, intimidation, or bullying. The superintendent or designee shall oversee the postings. The grade shall be posted within 10 days of its receipt. In addition, the district shall provide a link to the twice-yearly report prepared by the superintendent detailing the number and nature of violence vandalism, and harassment, intimidation or bullying reports in the schools.

Avoiding Excessive Expenditures when Communicating with the Public

District publications will be produced and distributed in a cost-efficient manner, for example:

- A. The use of expensive materials or production techniques where lower cost methods are available, such as the use of multi-color glossy publications instead of suitable, less expensive alternatives, is prohibited;
- B. Distribution of pictures of school board members is prohibited within 90 days of any district election; and
- C. Excessive public relations activities that are not part of the instructional program are prohibited.

Adopted: June 12, 2002, March 28, 2007, April 29, 2009
NJSBA Review/Update: February 21, 2022
Readopted: August 10, 2022

Key Words

COMMUNICATING WITH THE PUBLIC (continued)

Communicating With the Public, Public Information Program, Press Releases

<u>Legal References:</u>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:7E-2</u>	
	through -5	School report card program
	<u>N.J.S.A. 18A: 17-46</u>	Act of Violence; report by the school employee; notice of action taken; annual report
	<u>N.J.S.A. 47:1A-1 et seq.</u>	Examination and copies of public records (<u>Open Public Records Act</u>)
	<u>N.J.A.C. 6A:8-3.1(a)3</u>	Curriculum and instruction
	<u>N.J.A.C. 6A:23A-5.2</u>	Public relations and professional services
	<u>N.J.A.C. 6A:23A-8.1 et seq.</u>	Budget Submission, support documentation, website publication
	<u>N.J.A.C. 6A:23A-9.5</u>	Commissioner to ensure achievement of the CCCS
	<u>N.J.A.C. 6A:30-3.1</u>	Comprehensive review of public school districts
	<u>Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.</u>	

Possible

<u>Cross References:</u>	*1000/1010	Concepts and roles in community relations; goals and objectives
	*1120	Board of education meetings
	*2240	Research, evaluation and planning
	*3570	District records and reports
	*5124	Reporting to parents/guardians
	*6142.2	English as a second language; bilingual/bicultural
	*6142.6	Basic skills
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	*6171.1	Remedial instruction
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*6300	Evaluation of the instructional program

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
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FILE CODE: 1110
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Policy

MEDIA

Every effort shall be made to assist all communications media in the community to gain complete and adequate coverage of the programs, problems, planning, and activities of the school system.

General releases of interest to the entire district shall be made available to all the media simultaneously. There shall be no exclusive releases, news conferences or interviews except as media representatives request information about particular programs, plans, or problems.

In general, the superintendent shall be responsible for establishing relations with news media and providing information to each through the means found most suitable. Particularly, the superintendent shall ensure that the media receive all school report cards as required by the administrative code.

The Salem City Board of Education encourages public presentation of the programs, policies and progress of the schools through press, radio and television. Building principals shall clear proposed presentations with the superintendent and shall ensure that the parents/guardians of students who participate in such presentations are informed.

The superintendent or designee shall devise procedures for optimum benefit from such presentations.

The board shall make a periodic review of its relations with the news media.

Adopted: June 12, 2002, March 28, 2007, October 10, 2018
NJSBA Review/Update: February 21, 2022
Readopted: August 10, 2022

Key Words

Media, School News Releases, Press Releases, News Conferences and Interviews, Radio, Television

<u>Legal References:</u>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:10-6</u>	Board meetings public; frequency; hours of commencement;
		adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 47:1A-1 et seq.</u>	Examination and copies of public records (<u>Open Public Record Act</u>)

Possible

Cross References: *1100 Communicating with the public
*9020 Public statements

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
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FILE CODE: 1111
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Policy

DISTRICT PUBLICATIONS

The superintendent or designee shall direct development and review of informational newsletters and handbooks for parents/guardians, students, staff and the general community as deemed necessary by the board. The district annual report shall be printed for distribution. The board secretary shall make the district audit available to the public as required by law.

Centralized control of district publications, both print and electronic, including the district web site, shall be designed to ensure that their contents reflect district-wide policies and regulations accurately.

In accordance with law, the superintendent shall prepare procedures to ensure that district and school publications, both print and electronic, including district and school web sites, shall not publish any personally identifiable information about a student without prior written consent from the student's parents/guardians. Consent shall be obtained on the form indicated by the State Department of Education and shall contain a statement describing the potential dangers of posting personally identifiable information about students on the Internet.

Adopted: March 28, 2007, October 10, 2018
NJSBA Review/Update: February 21, 2022
Readopted: August 10, 2022

Key Words

District Publications, Publications, Newsletters, Handbooks, Web Site

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-20	Superintendent; general powers and duties
	<u>N.J.S.A.</u> 18A:23-1 <u>et seq.</u>	Audits and Auditors
	<u>N.J.S.A.</u> 18A:36-35	School internet web sites; disclosure of certain student information prohibited
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:30-3.1	Comprehensive review of public school districts

Possible

<u>Cross References:</u>	*1000/1010	Concepts and roles in community relations; goals and objectives
	*1100	Communicating with the public
	*1110	Media
	2232	Internal administrative communications
	*3100	Budget planning, preparation and adoption
	*5124	Reporting to parents/guardians
	*5125	Student records
	*5131	Conduct/discipline
	*5145.12	Search and seizure
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6142.10	Technology
	*6145.3	Publications

DISTRICT PUBLICATIONS (continued)

*6146	Graduation requirements
*6171.3	At-risk and Title 1
*6171.4	Special education
9310	Development, distribution and maintenance of governance manual

*Indicates policy is included in the Critical Policy Reference Manual.

BOARD OF EDUCATION MEETINGS

Salem City Board of Education meetings shall be a primary means of sharing information with community members and inviting their comments and suggestions. Regular and special meetings of the Salem City Board of Education are open to the public and representatives of the media, except when, by resolution at the public meeting, the board excludes the public from those parts of a meeting which deal with matters held confidential in accordance with law.

The board welcomes participation of interested organizations and individuals and will schedule time as appropriate for the public to speak. The length of time scheduled for public discussion shall be stated in the agenda, together with any time limit proposed for individual speakers.

The board will not permit unnecessary or undesirable identification of district students at public or board of education meetings, particularly when the student is subject to disciplinary action, or has been identified as having a disability. A special confidential file shall be kept of the names of students with disabilities on whose behalf the board must take public action. An unidentifiable coding shall be used when referring to the student.

At each public meeting of the board, the presiding officer shall administer the rules of the Board for public participation and comments. Where that ruling is disputed, it may be overruled by a majority vote of those board members present and voting.

The presiding officer shall be guided by the following:

- A. Any person wishing to participate in a public Board meeting shall register their intent with the superintendent in advance of the meeting and include the topic to be addressed;
- B. Each participant must be recognized by the presiding officer and must preface their comments by an announcement of name, residence and group affiliation if appropriate;
- C. Each statement made by a participant shall be limited to five minutes duration, unless permission has been granted in advance of the meeting;
- D. No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been given an opportunity to speak;
- E. All statements shall be directed to the presiding officer; no participant may address or question board members individually;
- F. The presiding officer may interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene or irrelevant;
- G. The portion of the meeting during which the participation of the public is invited shall be limited to thirty minutes unless prior permission has been granted.

Comments and questions at the end of regular and special meetings may deal with any topic related to the board's conduct of the schools. Advance announcement of all regular, scheduled special, and specially called meetings of the board is made through newspapers and other appropriate media outlets.

The board shall include a discussion of the School Ethics Act and the Code of Ethics for School Board members annually at a regularly scheduled public meeting.

At a regular meeting by September 30 of each year, the superintendent shall report to the board:

- A. The number of students graduated;

BOARD OF EDUCATION MEETINGS (continued)

- B. The number of students graduated under the alternate high school proficiency assessment (ASHA) process;
- C. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their individualized education programs (IEP);
- D. The total number of students denied graduation from the 12th grade class; and the number of students denied graduation from the 12th grade class solely because of failure to pass the Department of Education approved statewide proficiency assessments or AHSA .

Non-categorized schools shall discuss the school performance report (SPR) publicly. The school performance report is an annual New Jersey Department of Education report released for every school in New Jersey that sets specific school- and subgroup-performance targets for both language arts and mathematics, and detail the school's annual progress toward meeting the targets. The report includes a range of data, including progress toward closing achievement gaps, comparison to peer schools with similar demographics, growth over time as measured through student growth percentiles (SGP) on State tests, and additional college- and career-readiness data points. The reports support school districts' and schools' engagement in performance management by setting performance goals, identifying strengths and weaknesses, and developing local plans to focus on low-performance areas.

In addition, the superintendent shall report on progress made in meeting the adequate yearly targets established for closing the achievement gap as set by the Department of Education.

School Performance Report/School Report Card

The superintendent or his or her designee shall oversee the collection of data for the school performance report card program and annually report the data to the board and the commissioner. The school performance report card shall be prepared annually and disseminated annually to parents and other interested taxpayers within each school district.

- A. The superintendent shall report annually to the board at a public meeting not later than September 30 (N.J.A.C. 6A:8-5.2f):
 - 1. The number of students graduated;
 - 2. The number of students graduated under the alternative high school assessment (AHSA) process;
 - 3. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their individualized education programs (IEPs);
 - 4. The total number of students denied graduation from the 12th grade class; and
 - 5. The number of students denied graduation from the 12th grade class solely because of failure to pass the Department of Education approved high school proficiency assessment or the AHSA.
- B. The following information shall be collected for the district and for each school within the district, as appropriate and including but not limited to:
 - 1. Results of the elementary assessment programs;
 - 2. Results of the Early Warning Test;
 - 3. Results of the High School Proficiency Test;
 - 4. Daily attendance records for students and professional staff;
 - 5. Student graduation and dropout rates;
 - 6. Annual student scores on the Scholastic Aptitude Test;
 - 7. Total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate;
 - 8. Instructional resources including teacher/student ratio, average class size and amount of instructional

BOARD OF EDUCATION MEETINGS (continued)

time per day, as calculated by formulas specified by the commissioner;

9. A written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district;
10. Data identifying the number and nature of all reports of harassment, intimidation, or bullying; and Indicators of student career readiness.

C. The following information shall be collected for the district as appropriate:

1. Per student expenditures and State aid ratio;
2. Percent of budget allocated for salaries and benefits of administrative personnel;
3. Percent of budget allocated for salaries and benefits of teachers;
4. Percentage increase over the previous year for salaries and benefits of administrative and instructional personnel;
5. The number of administrative personnel and the ratio of administrative personnel to instructional personnel;
A profile of the most recent graduating class concerning their educational or employment plans following graduation; and
6. Any other information which the commissioner deems appropriate.

In a regular board meeting by October 30 of each year, the superintendent shall provide a report which includes information on the following topics:

- A. The status of all capital projects in the school district's long range plan;
- B. The maximum permitted amount of the school district's reserve account
- C. Implementation of school-level plans;
- D. Achievement of performance objectives;
- E. Each school report card, including student performance results and student behavior data;
- F. Professional development activities;
- G. Condition of school facilities;
- H. Status of mandated program reviews;
- I. Community support data as detailed in the administrative code;
- J. The assignment plan for certified and noncertified nurses developed by the school district.

Other items presented at board meetings must include, but are not limited to:

- A. Presentation of audit report;
- B. Presentation of budget;
- C. Student attendance;
- D. Dropout statistics; other demographic data;
- E. Mandated inservice programs.

Harassment, Intimidation and Bullying Reporting

BOARD OF EDUCATION MEETINGS (continued)

Two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Adopted: April 9, 1981, March 28, 2007, October 10, 2018
 NJSBA Review/Update: February 21, 2022
 Readopted: August 10, 2022

Key Words

Board of Education Meetings, Reporting to the Public, Communicating with the Public, Confidentiality

<u>Legal References:</u>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:7C-7</u>	School administrators report on students awarded or denied diplomas
	<u>N.J.S.A. 18A:7E-2</u>	School report card program
	<u>N.J.S.A. 18A:7E-3</u>	Report card information
	<u>N.J.S.A. 18A:10-6</u>	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:12-21</u>	<u>School Ethics Act</u>
	<u>N.J.S.A. 18A:17-46</u>	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A. 18A:22-10</u>	Fixing day, etc., for public hearing
	<u>N.J.S.A. 18A:22-13</u>	Public hearing; objectives; heard, etc.
	<u>N.J.S.A. 18A:23-5</u>	Meeting of board; discussion of report
	<u>N.J.S.A. 18A:37-13 et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
	<u>N.J.A.C. 6A:8-5.2(f)</u>	High school diplomas
	<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
	<u>N.J.A.C. 6A:16-5.1 et seq.</u>	School safety plans
	See particularly:	
	<u>N.J.A.C. 6A:16-5.2, 5.3</u>	
	<u>N.J.A.C. 6A:23A-14.1 et seq.</u>	Capital reserve
	<u>N.J.A.C. 6A:26</u>	Educational Facilities
	See particularly:	
	<u>N.J.A.C. 6A:26-2.2(a)</u>	Completion of long range facilities plans
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	See particularly:	
	<u>N.J.A.C. 6A:30-3.2</u>	
	<u>N.J.A.C. 6A:32-3.2</u>	Requirements for the Code of Ethics for district board of education members and charter school board of trustee members
	<u>N.J.A.C. 6A:32-12.1</u>	School attendance

Possible

<u>Cross References:</u>	*1100	Communicating with the public
	*2240	Research, evaluation and planning
	*3100	Budget planning, preparation and adoption
	*3570	District records and reports
	*3571.4	Audit
	*4131/4131.1	Staff Development, Inservice Education, Visitations Conferences
	*4231/4231.1	Staff Development, Inservice Education, Visitations Conferences
	*5131.5	Vandalism/violence

BOARD OF EDUCATION MEETINGS (continued)

*5145.5	Photographs of students
*6142.2	English as a second language; bilingual/bicultural
*6142.6	Basic skills
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education
*9322	Public and executive sessions
*9323/9324	Agenda preparation/advance delivery of meeting material
*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

DISTRIBUTION OF MATERIALS BY STUDENTS AND STAFF

Material being sent home with students should relate to school matters or student-related community activities. Except when it pertains to the individual student, all such material must be approved in advance by the superintendent/designee.

There is no district obligation to distribute or post any community group materials. But if a forum is opened up to any category of group (e.g., non-profit, non-partisan, community groups), the superintendent will not discriminate against speech or materials on the basis of the viewpoint or religious content.

The determination of the superintendent will be viewpoint-neutral in order to provide equal access to "limited public forums" including bulletin boards for notices, tables at back-to-school nights, or hand-outs to students.

Students shall not be used to distribute partisan materials or partisan information pertaining to a school or general election, budget or bond issue, or negotiations. Students shall not be exploited for the benefit of any individual, group, or profit-making organization.

No staff member may distribute any materials on school property without prior approval of the superintendent. Materials will clearly indicate their source. Non-school-related materials will be plainly labeled, including an express disclaimer that the activity is "not a school-sponsored activity." Flyers and parental permission slips will be subject to the same review and standards.

All surveys, questionnaires or other similar items requiring student or parent/guardian response shall be reviewed and approved by the superintendent prior to distribution. The superintendent shall solicit written permission from parents/guardians before students participate in surveys or research that requests personal information as set out in state and federal law.

Adopted: September 8, 1988, March 28, 2007, October 10, 2018
NJSBA Review/Update: February 23, 2022
Readopted: August 10, 2022

Key Words

Distribution of Materials, Research

Legal References: N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students
N.J.S.A. 18A:42-4 Distribution of literature as to candidacy, bond issues, or other public question to be submitted at election; prohibited
N.J.S.A. 19:34-6 Prohibited actions in polling place on election day, exception for simulated voting
N.J.S.A. 19:34-15 Electioneering within or about polling place; disorderly persons offense

34 CFR 98.1 - Student Protection Rights Amendment

Child Evangelism Fellowship of New Jersey. vs. Stafford Township School District, No. 03-1101 (October 2004)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

DISTRIBUTION OF MATERIALS BY
PUPILS AND STAFF (continued)

Possible

<u>Cross References:</u>	*1100	Communicating with the public
	1315	Distribution of materials to students and staff
	*1322	Contests for students
	*1330	Use of School Facilities
	4135.16/4235.16	Work stoppages/strikes
	*5136	Fund-raising activities
	*6142.10	Technology
	*6145.3	Publications
	6162.5	Research

*Indicates policy is included in the Critical Policy Reference Manual.

PARTICIPATION BY THE PUBLIC

The Salem City Board of Education encourages volunteers and/or residents of the community who are especially qualified because of training, experience, or personal characteristics to take an active part in school affairs. Such persons may be invited to act as advisers both as groups and individually in:

- A. Clarifying the general ideas and attitudes held by our residents regarding school;
- B. Determining the purposes of courses of study and special services to be provided for students; evaluating the extent to which these purposes are being achieved by present practices;
- C. Giving active assistance to the professional staff in the actual operation of classes and services where the superintendent and staff deem such aid valuable;
- D. Offering suggestions on a specific problem or set of closely related problems about which the board must make a decision,
- E. Coordinating the delivery of social services to students.

Volunteers carrying out prescribed functions under the supervision of designated professional staff members shall be covered by the board's liability insurance policy.

The superintendent shall supervise development of programs and procedures to enlist community participation in school events and deliberations and shall keep on file information on all volunteers and documentation that the requirements of law have been fulfilled.

The board, superintendent, and the staff shall give substantial weight to the advice that they receive from individuals and community groups interested in the school, especially those individuals and groups that have been invited or created to advise them regarding selected problems. The board, superintendent, and staff shall use their own best judgment in arriving at decisions.

The superintendent shall report to the public annually on all aspects of community support of the educational program.

Adopted: March 28, 2007, October 10, 2018
NJSBA Review/Update: February 23, 2022
Readopted: August 10, 2022

Key Words

Community Volunteers, Volunteers, Public Participation

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
*1120 Board of education meetings
1210 Community organizations
*1220 Ad hoc advisory committees

PARTICIPATION BY THE PUBLIC (continued)

- *5020 Role of parents/guardians
- *6162.4 Community resources

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

VOLUNTEER ATHLETIC COACHES

The superintendent will recruit and screen volunteer athletic coaches, if any and their assignments. The district is not obligated to utilize the proffered services of a volunteer coach whose abilities or interests do not serve the needs of the school district as determined by the superintendent.

Coaching volunteers must be persons of known character, responsibility, and integrity and must be recommended by the superintendent and approved by the Salem City Board of Education prior to assuming any responsibilities.

The superintendent will prepare rules of conduct for volunteer athletic coaches. Each volunteer athletic coach will be given a copy of the rules of conduct.

Guidelines for the service of volunteer athletic coaches volunteer athletic coaches:

- A. May serve only under the direction and immediate supervision of a head and/or assistant coach employed by the Board;
- B. Must clearly understand their duties and responsibilities and perform no services outside those duties;
- C. Serve solely in a support capacity. Only head or assistant coaches employed by the board are responsible for the supervision and instruction provided to pupils participating in the athletic program;
- D. Shall respect the individuality, dignity and worth of each pupil;
- E. Must maintain student confidentiality;
- F. Must undergo a criminal history background check;
- G. Must be trained in the rules pertaining to harassment, intimidation and bullying;
- H. Must consult with the superintendent regarding any matters or questions regarding their duties and responsibilities;
- I. Shall receive no financial remuneration;
- J. Must comply with all policies and rules of the school district;
- K. May be immediately relieved of their volunteer responsibilities, with or without cause, by the superintendent with such action to be recommended to the board by the superintendent at the next Salem City Board of Education meeting following the action by the superintendent.

Adopted:	March 28, 2007, October 10, 2018
NJSBA Review/Update:	February 23, 2022
Readopted:	August 10, 2022

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 1220

 Monitored

 Mandated

 X **Other Reasons**

Policy

AD HOC ADVISORY COMMITTEES

Community and/or parent/guardian advisory committees can be particularly useful both in keeping the Salem City Board of Education and administration informed with regard to community opinion and in representing the community in the study of specific school problems. The board shall, when required by law or when it finds it beneficial, appoint advisory committees to assist in research projects, long-range studies, program evaluation, and development of policies or educational goals/programs. Each committee shall be appointed for a specific purpose and time. The board may dissolve any board-appointed committee at its sole discretion.

Such committees shall be representative of the community in relation to the tasks delegated to them, and may include staff and students when appropriate. No appointee shall represent an organization, geographic area, religious group or any other subdivision of the community in an official capacity.

Systematic programs shall be set up to draw on the assistance business, labor, and other organizations have to offer in developing vocational, technical and enrichment programs and in providing students with practical work experience.

The board shall adopt the committee structure and organization it deems appropriate to the assignment at hand, except for funded programs where requirements are set by law. The board is responsible for approving all members of a committee and the method of their selection in consultation with the superintendent. Staff members shall not constitute a majority of any general community advisory committee.

Recommendations from the committee shall not reduce the responsibility of the board, which shall be free to accept or reject the recommendations as it sees fit. Only the board has the power to act. It will be the responsibility of the chairperson to see that the members of the committee are informed as to the final decision of the board.

Any publicity concerning the organization, membership, operations, findings or recommendations of any committee shall be released only by the board designee.

In district-initiated advisory committees, the superintendent shall draft procedures for instructing committees as to the length of time each member is being asked to serve, the services the board wishes them to render, the resources the board intends to provide, and the approximate date on which the board wishes to dissolve the committee. Furthermore, the committee shall be instructed as to the relationship it has to the board, to the individual board members, to the secretary of the board, to the superintendent, and to the rest of the professional staff.

When the law regulates the formation and activities of an advisory committee, the administration shall cooperate fully in its activities.

Adopted: March 28, 2017, October 10, 2018
NJSBA Review/Update: February 23, 2022
Readopted: August 10, 2022

Key Words

Ad Hoc Advisory Committees, Citizens' Committees, Committees

AD HOC ADVISORY COMMITTEES (continued)

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
N.J.S.A. 18A:10-6 Board meetings public; frequency; hours of
commencement; adjournment, etc., for lack of quorum
N.J.A.C. 6A:16-4.2(a) Review and availability of policies and procedures for the
intervention of student alcohol or other drug abuse

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L.
No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

Possible

Cross References: *2240 Research, evaluation and planning
*6142.1 Family life education
*6142.12 Career education
*6144 Controversial issues
*6162.4 Community resources
*6171.3 At-risk and Title 1
*9020 Public statements
*9130 Committees

*Indicates policy is included in the Critical Policy Reference Manual.

SCHOOL-CONNECTED ORGANIZATIONS

The Salem City Board of Education will encourage the work of a general, voluntary, school-connected organization of parents/ guardians, school staff and friends of the school. Such organizations may not establish educational policy, participate in the administration of the school, or authorize management and direction of school affairs.

Such organizations shall have as their objectives the promotion of student welfare; the development of close relationships between the home and the school; and the development between educators and the public of such united efforts as will secure for every student in the schools the best kind of educational program possible.

Organizations shall not use the district's name in their titles without the board's express consent. Such permission to use the district's name does not constitute permission to act as the district's representative.

The board shall make it a practice not to interfere in the internal workings of such groups.

Permission to hold regular meetings of such organizations in school facilities will be extended by the board of education for a particular school year, in accordance with 1330 Use of School Facilities.

The school principal or another professional staff member designated by the principal may serve as adviser to the general parent/teacher organization. All members of the professional staff shall be encouraged to join the organization and to participate in its activities.

Adopted: March 28, 2007, October 10, 2018
NJSBA Review/Update: February 25, 2022
Readopted: August 10, 2022

Key Words

School-connected Organizations, Booster Clubs, Parent-Teacher Organizations, PTA, PTO

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
*1100 Communicating with the public
1210 Community organizations
*1330 Use of school facilities
*3280 Gifts, grants and bequests
4136 Meetings/committees
*5020 Role of parents/guardians
*5136 Fund-raising activities
*6010 Goals and objectives

*Indicates policy is included in the Critical Policy Reference Manual.

VISITORS

The Salem City Board of Education board welcomes visits to school by parents/guardians, board members, other adult residents of the community and interested educators, when they fit into the classroom or school routine. In order for the educational program to continue undisturbed when visitors are present, and to prevent the intrusion of disruptive persons into the schools, the superintendent shall devise regulations addressing visitors' access to the schools.

All visitors shall be required to report to the school office upon entering the building.

A "visitor" is anyone other than a student enrolled in or a staff member employed in the particular school. Visitors may not consult with the teaching staff or students during class time without the principal's permission.

Staff members and students are strictly prohibited from propping doors open. Students and staff members shall not open a door for anyone. All persons seeking entry to the building shall be directed to the main entrance.

For the purpose of preventing unauthorized entry into the district buildings, the building principal shall ensure that:

- A. The school's main entrance is clearly marked so that it is easily visible and recognizable;
- B. Exterior doors are locked, and when they are in use for a large entry/exit, staff members, security personnel, law enforcement officers or other representatives of the district are assigned to monitor them;
- C. Entrances are clearly marked with a numerical sequence to allow for specific response by police, fire, and emergency medical services responders;
- D. A limited number of doors are available for access by staff and the staff members shall be informed of which doors they are authorized to use;
- E. Security personnel working in the school building are dressed in uniform.

When the parental rights of a parent have been terminated by a court of appropriate jurisdiction, the legal guardian must inform the school so that the administration may apply appropriate regulations. The principal shall seek confirmation of legal custodianship where necessary.

No one may visit the school during school hours for the purpose of recommending or exhibiting books, maps, etc., to staff. No person shall be allowed to deliver any address or lecture on any subject unless authorized by the superintendent or designee.

Visitors are not permitted to enter the school building after the school office has closed for the day or when school is not in session, other than at times when special, after-hours events are being held at the school. Such visitors must be accompanied by an authorized school district employee.

Employees are not permitted to allow entry to the school building, classrooms or other school rooms by visitors after hours. Employees who violate this policy shall be subject to disciplinary action, including

VISITORS (continued)

termination.

All visitors to the schools must obey regulations prohibiting smoking and any other regulations designed to ensure orderly operation of the school. All persons violating this policy shall be considered to be "trespassing" and/or a "disorderly person" and subject to appropriate action.

Adopted: March 28, 2007, October 10, 2018
 NJSBA Review/Update: February 25, 2022
 Readopted: August 10, 2022

Key Words

Visits to the Schools, Visitors, Sign-in, Propping Doors

Legal References:

<u>N.J.S.A.</u> 2C:18-3	Unlicensed entry of Structures, defiant trespasser; peering into dwelling places; defenses
<u>N.J.S.A.</u> 2C:33-2	Disorderly conduct
<u>N.J.S.A.</u> 18A:7G-5.2	Public school facilities, certain, security measures required
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 26:3D-55 <u>et seq.</u>	<u>New Jersey Smoke-Free Air Act</u>

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*3327	Relations with vendors
	*3515	Smoking prohibition
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5020	Role of parents/guardians
	*5124	Reporting to parents/guardians
	*5125	Student records
	*5131.1	Harassment, intimidation and bullying
	*5142	Student safety
	*5145.11	Questioning and apprehension
	*6144	Controversial issues
	*9010	Role of the member

*Indicates policy is included in the Critical Policy Reference Manual.

COMMUNITY COMPLAINTS AND INQUIRIES

The Salem City Board of Education welcomes inquiries about and constructive criticism of the district's programs, equipment, operations and personnel.

The superintendent shall develop procedures to investigate and solve problems promptly, and to provide accurate factual information in answer to inquiries. Such procedures shall conform to state law and applicable negotiated agreements.

Parents/guardians and students will be informed of the proper avenues to follow in the individual school.

When a board member is confronted with an issue, the member will withhold comment, commitment and/or opinion and refer the complaint or inquiry to the superintendent.

Only in those cases where satisfactory adjustment cannot be made by the superintendent and the staff shall communications and complaints be referred to the board of education for resolution.

All signed complaints shall be acknowledged promptly.

Adopted: March 12, 1997, March 6, 2006, March 28, 2007, October 10, 2018

NJSBA Review/Update: February 25, 2022

Readopted: August 10, 2022

Key Words

Community Complaints and Inquiries, Complaints, Inquiries

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 47:1A-1 et seq. Examination and copies of public records (Open Public Records Act)

Possible

Cross References: *1120 Board of education meetings
*3570 District records and reports
*4112.6/4212.6 Personnel records
*4116 Evaluation
4148/4248 Employee protection
*4216 Evaluation
*5145.6 Student grievance procedure
*6144 Controversial issues
*6161.1 Guidelines for evaluation and selection of instructional materials
*6161.2 Complaints regarding instructional materials
*6163.1 Media center/library
*9010 Role of the member
*9020 Public statements
9123 Appointment of board secretary

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

GIFTS TO SCHOOL PERSONNEL

The Salem City Board of Education believes that the best expression of gratitude and appreciation for staff is written communications and encourages and welcomes such input. This does not prevent students from presenting inexpensive and/or homemade gifts to staff.

No school employee is to accept any commission or gift from individuals or companies seeking to sell equipment or materials used in the operation of the public schools. School operations include the purchase of construction materials, school plant repair and maintenance; conducting student classes; providing materials and supplies used in school organizations, such as clubs, class activities and comparable items.

This prohibition shall not be construed to prevent vendors from paying reasonable costs to provide school officials and employees the opportunity to see or hear about new ideas, equipment and/or materials.

The acceptance of gifts shall be subject to the provisions of board policy 3280 Gifts, Grants and Bequests.

Adopted: March 28, 2007, October 10, 2018
NJSBA Review/Update: May 2022
Readopted: August 10, 2022

Key Words

Gifts, Vendors, Gratitude, Appreciation

<u>Legal References:</u>	<u>N.J.S.A. 2A:135-7</u>	Officers or employees of institutions having interest in furnishing goods or supplies thereto
	<u>N.J.S.A. 18A:6-8</u>	Interest of school officers, etc. in sale of textbooks and supplies; royalties
	<u>N.J.S.A. 18A:12-2</u>	Inconsistent practices prohibited (board of education members)
<u>Cross References:</u>	*3280	Gifts, grants and bequests
	*4119.21/4219.21	Conflict of interest
	*9271	Conflict of interest

*Indicates the policy is included in the Critical Policy Reference Manual.

Policy

SOLICITATION AND FUNDRAISING BY OUTSIDE ORGANIZATIONS

The Salem City Board of Education will act as a collecting agency for only those fund drives or contributions approved by the board of education.

Any request for a money-raising campaign, soliciting campaign, selling campaign, publicity program, or "week observation" shall be submitted to the superintendent or designee for approval.

Criteria for acceptance of notices to be published in school bulletins and for decisions about allowing fundraising drives shall require that the notices or drives:

- A. Be of an educational nature and free from promotion of commercial products or partisan viewpoints;
- B. Be particularly relevant to the age group concerned;
- C. Be open only to voluntary participation;
- D. Be open to all students.

The superintendent shall not approve any activity that may incur an undue burden on the district community, facilities or financial resources.

Any request to conduct a drive shall include the purpose of the function; curricular or extracurricular school groups to be involved; the names of sponsors or committees; and details regarding the place, the time, and the tickets, if any. Permission granted or denied shall be determined by the principal. Door-to-door solicitation will not be permitted.

The district will permit students to engage in fundraising to support certain approved student activities. Each plan to raise funds must be approved in writing by the superintendent or his or her designee.

There is no district obligation to allow fundraising. But, if a forum is opened up to any category of group (i.e., non-profit, non-partisan, community groups), the superintendent will not discriminate against speech or materials on the basis of the group's viewpoint or religious orientation. The determination of the superintendent will be viewpoint-neutral in order to provide equal access to "limited public forums" including bulletin boards for notices, tables at back-to-school nights, or hand-outs to students.

All fundraising materials will clearly indicate their source. Non-school-related fundraising will be plainly labeled, including an express disclaimer that the activity is "not a school-sponsored activity." Flyers and parental permission slips for non-school-related activities will be subject to the same review and standards. The time, place and event for fund solicitation by non-profit organizations not sponsored by the district shall be determined by the superintendent or his/her designee.

The privilege to solicit funds may be revoked for all groups of that category at any time.

Funds solicited by others are not to be deposited in any district account. The board disclaims all responsibility for the protection of, or accounting for such funds.

A copy of the policy shall be given to any individual or group granted permission to solicit funds on district property.

Adopted: March 28, 2007, August 12, 2015, October 10, 2018
NJSBA Review/Update: May 2022

SOLICITATION AND FUNDRAISING (continued)

Readopted: August 10, 2022

Key Words

Soliciting, Solicitation, Fundraising

Legal References: N.J.S.A. 18A:36-34 School surveys, certain, parental consent required before administration
N.J.S.A. 18A:42-4 Distribution of literature as to candidacy, bond issues or other public question
N.J.S.A. 52:14-15.9c1 Public employee charitable fund-raising act

Cross References *1140 Distribution of materials by students and staff
1210 Community organizations
*1230 School-connected organizations
*3453 School activity funds
*5136 Fundraising activities

*Indicates policy is included in the Critical Policy Reference Manual.

CONTESTS AND PUBLIC EVENTS FOR STUDENTS

The superintendent shall review all proposals for pupil involvement in civic or charitable activities that are to be considered part of school-sponsored programs and shall inform the Salem City Board of Education of all such proposals and make recommendations.

Contests and awards whether local, state, or national shall be:

- A. For the benefit of the student;
- B. Open to all students on a non-discriminatory basis;
- C. Consistent with district objectives;
- D. Judged by disinterested parties;
- E. Properly supervised with safety precautions in place;
- F. Voluntary for students and teachers.

Contests and awards shall not place undue time or financial burdens on students, teachers and parents. They shall not promote commercial products or partisan viewpoints. Participation shall not be dependent on the financial status of the student.

Pupil Participation in Public Events

- A. The board recognizes the value to pupils of sharing their talents and skills with the community through participation and performance in public events. The board endorses such performances when in the determination of the superintendent:
 - 1. They constitute a learning experience that contributes to the educational program;
 - 2. They do not interfere with other scheduled activities of the school;
 - 3. The circumstances of the event do not pose a threat to the health, safety, and well being of the public who will be involved.
- B. School groups may not participate in events that fall into any of the following classifications:
 - 1. Events that are for the purpose of private gain or to advertise any commercial project or product. A school name, the names of school sponsored groups or school equipment shall not be exploited in events of a commercial nature;
 - 2. Events that are for the furtherance of any partisan interest, either political or sectarian;
 - 3. Events that cause an undue amount of interference with the regular school program or that cause an excessive amount of absence due to rehearsal or preparation.
- C. The superintendent shall ensure that:
 - 1. Parental permission is sought and received before pupils may participate;
 - 2. No pupil is compelled to participate in a public performance or penalized in any way for failure to do so (if public performance is part of a course/program requirement, pupils must be informed. This policy does not address that type of participation);
 - 3. No pupil or group of pupils receive compensation for their performance in public in an organized school activity; donations may be given to the general school funds by the sponsoring organization;

Regulation

USE OF SCHOOL FACILITIES

- A. Smoking is not permitted in any school facility;
- B. Intoxicating beverages and the use of illegal drugs are prohibited on all school properties at all times, and any person under the influence of alcohol and/or drugs shall not be permitted to remain thereon;
- C. All facility use shall comply with state and local fire, health, safety and police regulations;
- D. Responsibility for compliance with these regulations rests upon the party signing the application;
- E. All meetings involving children must have responsible adults in charge. The number of supervisors or chaperones will vary according to the number of participants. Adequate supervision and leadership must be provided throughout the period authorized for use. Recommended ratio is 1-15 or less;
- F. Use of school equipment in conjunction with the use of school facilities must be specifically requested in writing and may be granted by the procedure by which permission to use facilities is granted. The user of school equipment must accept liability for any damage to or loss of such equipment that occurs while it is in use. Where rules so specify, no item of equipment may be used, except by a qualified operator;
- G. Organizations and groups using the building or facilities without charge must set up and restore, if moved, all furniture and equipment and leave them clean;
- H. Any decorations shall be erected in a manner that will not be destructive of school property, and such erection shall be in accordance with local and state fire marshal regulations and approved by the Superintendent of Schools or designee on duty. All decorations shall be removed from the building before 8:00 a.m. on the day after the building has been used;
- I. User shall assume responsibility for securing necessary police supervision, if so directed by the school administration;
- J. User shall be fully responsible for all damage or loss of school property, including that belonging to students and employees, as well as his own property, occurring during the time the building is in use under the permit;
- K. Permission for use of special or extra equipment must be included in the application. If such equipment is desired, it must be within the school property and arrangements made at the time of application. Extra compensation must be paid for employees to operate or supervise special or extra equipment or transfer it from another building. No equipment is to be loaned or rented for use outside public school property;
- L. Future school facility use will not be permitted if charges are not paid within 30 days after statement has been rendered;
- M. Use of any cafeteria is predicated on the board's requirement that at least one cafeteria worker and one custodian be on duty and paid per the charges established by the board of education;
- N. Gambling is prohibited anywhere in school buildings or on school grounds;
- O. No beverages or food are to be served or consumed in any building, classroom or gymnasium unless specifically noted and approved in the application;
- P. Non-marking rubber soled shoes are required to be worn in any gymnasium at all times except during

USE OF SCHOOL FACILITIES (regulation continued)

dances. During dances, no cleats or hobnails are to be worn.

Security Requirements

Public events may require security protection as determined by the board secretary/business administrator. Security services will be arranged by the board secretary/business administrator.

When security protection is necessary, the requesting group shall be responsible for full payment at the rates established by the board of education.

Any outside (non-school employee) security personnel will be paid by the district for their services upon submission of appropriate voucher or other forms to the board secretary/business administrator.

Basis of Charges

Charges and rentals of school property shall be determined by the status of the requesting group with regard to the following classifications:

Classification of users:

- A. School affiliated groups such as Parent Teacher Organization (PTO), Teachers' Association, Alumni, Adult School, Extension Services;
- B. Civic, social, educational, cultural, recreational, and religious groups of the community ("community" refers to groups or organizations domiciled in Salem City, Quinton Township, Lower Alloways Creek Township, Mannington Township, and Elsinboro) – meetings for or performances by their own members;
- C. Civic, social, educational, cultural, recreational, and religious groups of the community ("community" refers to groups or organizations domiciled in Salem City, Quinton Township, Lower Alloways Creek Township, Mannington Township, and Elsinboro) – meetings for the general public;
- D. Civic, social, educational, cultural, recreational, and religious groups of the community ("community" refers to groups or organizations domiciled in Salem City, Quinton Township, Lower Alloways Creek Township, Mannington Township, and Elsinboro) – public performances for profit – profits to be devoted to the youth of the community;
- E. Governmental bodies;
- F. Civic, Social, educational, cultural, recreational, and religious groups of the community ("community" refers to groups or organizations domiciled in Salem City, quinton township, Lower Alloways Creek Township, Mannington Township, and Elsinboro) – public performances or activities for profit with the activity or performance being carried out by the members, or other non-profit incorporated organizations with profits to be devoted to the general aims of the organization itself;
- G. Civic, social, educational, cultural, recreational, and religious groups of the community ("community" refers to groups or organizations domiciled in Salem City, Quinton Township, Lower Alloways Creek Township, Mannington Township, and Elsinboro) – utilizing the services of a for-profit or fundraising organization;
- H. Use by private profit-making organizations are not permitted;

The board of education shall annually approve reasonable charges for the use of district facilities and personnel required by the requesting organization. In times of emergency, these charges may be updated or revised at times other than annually.

USE OF SCHOOL FACILITIES (regulation continued)Application Procedures

- A. Any individual group that plans to use school property shall obtain an application form from the school and complete and return it no later than thirty days prior to the event. If the requested facilities are available, the board secretary/business administrator/designee will notify the group prior to the event. The board secretary/business administrator/designee shall act as a central clearinghouse for reserving and checking dates. The board shall receive a report of all facility use at each regular meeting;
- B. The board secretary/business administrator reserves the right to limit or deny the use of facilities if there is a reasonable basis for such denial or limitation;
- C. The application may then be submitted for board consideration at its next regular meeting. The board secretary/business administrator/designee shall notify the applicant of the action of the board, with a statement of the fee to be paid if approval is granted. Full payment for the use of the building shall be made following the event or use of the facilities.

Additional Requirements for Use of Facilities

Applicants shall be responsible for any damage that is attributable to negligence.

Payment

Upon approval of the board secretary/business administrator for the use of school property, a copy of the approved application and a cover letter showing what fees need to be paid, and to whom, will be sent to the applicant by the board secretary/business administrator.

- A. A check, made payable to the Salem City Board of Education shall be paid for the use of the facilities usage following the event or of the facilities;
- B. Custodians/cafeteria workers/stage advisor will be paid through the Salem City Board of Education payroll account. The organization renting the facility will be billed for district personnel time;
- C. In the event of overtime usage, a bill will be sent to the group for extra rental or other fees.

Schedule of Fees

Use of facilities fees to be charged as follows:

Auditorium	\$350.00 per day
Cafeteria/All Purpose Room	\$100.00 per day Use of Kitchen would be an additional charge
Gymnasium	\$150.00 per day
Classroom	\$65 per day
Athletic Field (Does not include police protection, field preparation, custodian or grounds worker costs, press box, concession stand, lavatory)	\$400.00 basic charge Over 4 hours: \$100.00/hr
Press Box	\$200.00
Concession stand	\$200.00
Field Striping	\$250.00
Custodial	
Regular	\$15.00 per hour (will be adjusted upon

USE OF SCHOOL FACILITIES (regulation continued)

	settlement of contract)
Weekend	\$25.00 per hour (will be adjusted upon settlement of contract)
Holiday	\$50.00 per hour (will be adjusted upon settlement of contract)

Adopted: September 14, 1990, March 13, 1996, Dec. 11, 1996, June 12, 2002,
 March 28, 2007, April 11, 2012, June 10, 2015, October 10, 2018
 NJSBA Review/Update: February 27, 2022
 Readopted: August 10, 2022, November 2023

USE OF SCHOOL FACILITIES

The district facilities belong to the community, which paid for them for the primary purpose of offering a full educational program for its children. Prudent use and management of school facilities outside of the regular operating schedules--providing that such use does not interfere with the orderly conduct of a thorough and efficient system of education--allows the community to benefit more broadly from the use of its own property.

The Salem City Board of Education permits the use of the school grounds including basketball courts, athletic fields, tennis courts, and playground equipment by the general public provided that such use does not interfere with their use by the students and staff of the district schools. The board directs that signs be posted conspicuously about the grounds stating the permitted hours of such use.

The board will permit the use of school facilities when such permission has been requested in writing and has been approved by the superintendent for:

- A. Uses and groups directly related to the school and the operations of the school;
- B. Uses and organizations indirectly related to the school;
- C. Departments or agencies of the municipal government;
- D. Other governmental agencies;
- E. Community organizations formed for charitable, civic or educational purposes.

The use of school facilities shall not be granted for the advantage of any commercial or profit-making organization, private social functions, or any purpose which is prohibited by law.

The buildings will not normally be available during holidays or vacations, or if the programs interfere with cleaning and maintenance schedules.

In the event the superintendent deems it advisable, any application may be submitted to the board of education for action. The use of district facilities on Sundays will require Board approval.

Responsibility for use of facilities and observance of regulations shall rest upon the applicants. Other representatives of the Salem City Board of Education, on duty in the schools at the time, are required to report all irregularities to the buildings and grounds supervisor.

Inaccurate or untruthful statements made in application or violations of any district or state regulation may place the responsible persons or organizations or both on an ineligibility list. Subsequent applications of such ineligibles will be referred to the board of education, which will determine whether disqualification shall be temporary or permanent.

No beverages or food are to be served or consumed in any building, classroom or gymnasium unless specifically noted and approved in the application. Alcoholic beverages are prohibited.

The user must agree to save and hold harmless the said public schools and must agree to assume responsibility for all liabilities arising incident to occupancy.

The superintendent or board of education may refuse to grant the use of a school building whenever in their

USE OF SCHOOL FACILITIES (continued)

judgment there is good reason why permission should be refused.

The Salem City Board of Education may establish a schedule of fees for the use of school facilities.

Smoking is prohibited at all times in any district building or on school grounds. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy. No one may bring alcoholic beverages onto any school property. All facility use shall comply with state and local fire, health, safety and police regulations.

Use of school equipment in conjunction with the use of school facilities must be specifically requested in writing and may be granted by the procedure by which permission to use facilities is granted. The user of school equipment must accept liability for any damage to or loss of such equipment that occurs while it is in use. Where rules so specify, no item of equipment may be used except by a qualified operator.

Use of district equipment on the premises by nonschool personnel is limited to the equipment that is an integral part of the facility being used, i.e., the stage lights and piano in the auditorium, the basketball baskets in the gym. No district equipment shall be removed from the premises for use by nondistrict personnel.

The board shall require that all users of school facilities comply with policies of this board and the rules and regulations of this district. Each user shall present evidence of the purchase of organizational liability insurance to the limit prescribed by such rules.

Authorization for use of school facilities shall not be considered as endorsement of or approval of the activity, person, group or organization nor the purposes they represent.

Any individual on school property at any time, other than with permission of the district, or after such permission has been rescinded, shall be considered to be trespassing and the Salem City Board of Education may take action accordingly.

Political Activity

As used in this section, "school property" shall mean a building or buildings used for school operations.

Candidates for elective public office, holders of elected public office or their agent or representative are prohibited from soliciting campaign contributions on school property. No person shall make contributions, directly or indirectly, to or on behalf of any candidate for elective public office, or the candidate committee or joint candidates committee of any such candidate, while on school property.

This shall not apply to persons or groups reserving or renting school property for a nongovernmental purpose as a meeting location.

Any person in violation of this policy may be reported to the Election Law Enforcement Commission and liable to a penalty of not less than \$5000, for each violation.

Adopted:	September 14, 1990, March 13, 1996, Dec. 11, 1996, June 12, 2002, March 28, 2007, April 11, 2012, June 10, 2015, October 10, 2018
NJSBA Review/Update:	February 27, 2022
Readopted:	August 10, 2022, November 8, 2023

Key Words

USE OF SCHOOL FACILITIES (continued)

Use of School Facilities, Use of School Equipment, District Facilities, Facilities Equipment

- Legal References:** N.J.S.A. 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
- N.J.S.A. 18A:11-1 General mandatory powers and duties
- N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes
- N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
- N.J.S.A. 19:44A-19.1 Solicitation on state owned property prohibited; certain circumstances
- N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
- N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation
- 20 U.S.C.A. 4071 et. seq. Equal Access Act
- GOALS 2000: Educate America Act (Pro Children Act of 1994), Pub. L. 103-227
- Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.
- Resnick v. East Brunswick Twp. Bd. of Ed., 77 N.J. 88 (1978)
- Boy Scouts of America v. Dale, 120 S. Ct. 2446 (2000)
- Good News Club v. Milford Central School, 121 S. Ct. 2093 (2001)

Possible

- Cross References:** *1230 School-connected organizations
- *3514 Equipment
- *3515 Smoking prohibition
- *5131.1 Harassment, intimidation and bullying
- *6145 Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 1410

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

LOCAL UNITS

The Salem City Board of Education wishes to cooperate as fully as possible with other community agencies that serve district students. Cooperation will include pooling resources and exchanging information with other community agencies. The superintendent shall seek to develop positive working relationships with community agencies, including but not limited to, police authorities, fire departments, New Jersey Division of Child Protection and Permanency (DCP&P), emergency room and/or squad, other school districts, and all other agencies providing services to district students.

In accordance with law, the district may accept or share the use of facilities or equipment with other local organizations. The terms of the acceptance or sharing shall be decided for each instance.

Police Authorities

It is the policy of the board to cooperate with law enforcement agencies in the interest of the larger welfare of all citizens and to be in compliance with current memorandum of agreement between education and law enforcement officials. At the same time, schools have a responsibility to parents/guardians for the welfare of their children while they are in school. To carry out these responsibilities, the administration is directed to follow the procedures developed to implement board policies, particularly those for policies numbered 5131.5, 5131.6, 5131.7, 5145.11 and 5145.12.

Fire Department

The superintendent shall seek input from local fire officials when course materials in fire safety are being reviewed and revised and when procedures for fire drills are formulated. The fire department should be kept up to date on changes in the school buildings and class arrangements so that, in the event of an emergency, they will be prepared. All fires shall be reported to the local fire department in compliance with law.

Division of Child Protection and Permanency (DCP&P)

Procedures for district cooperation with the Division of Child Protection and Permanency are included with those implementing policy 5141.4 Missing, Abused and Neglected Children.

Emergency Room/Squad

The superintendent shall establish procedures whereby the facilities of the local hospital emergency room and local ambulance/rescue squad may be called upon in implementing policies numbered 5131.6, 5141.1, 5141.6 and 6145.1/6145.2.

Cooperative Arrangements with Other School Districts

The board desires that strong lines of communication be maintained with other districts and institutions which provide programs, training, or services not available to children residing in this district, and with districts whose resident students are enrolled in programs in this district.

The district in which students are in attendance has responsibility and authority for those students. In order that those students receive maximum benefit from their program of studies, articulation between the cooperating institutions is essential.

Further, this school district shall cooperate with other school districts in the solution of common educational concerns. District staff under the direction of the superintendent shall participate in the coordination of such areas as research, exchange of information and data, coordination of curriculum, coordination of school

LOCAL UNITS (continued)

calendar and activities, and any others where it may be advantageous to serve a broader area than this school district. In carrying out this policy, the superintendent shall include in his/her reports to the board an evaluation of the desirability and feasibility of cooperation with other school districts.

Adopted: December 11, 2013, February 14, 2018, October 10, 2018
 NJSBA Review/Update: February 27, 2022
 Readopted: August 10, 2022

Key Words

Local Agencies, Local Units, Fire Department, Police Department, Emergency Room, Other School Districts, Division of Child Protection and Permanency, DCP&P

<u>Legal References:</u>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:18A-11</u>	Joint purchases by districts, municipalities; counties; authority
	<u>N.J.S.A. 18A:20-4.2</u>	Acquisition, improvement, lease, etc., of property for school purposes; authority of board of education
	<u>N.J.S.A. 18A:20-9</u>	Conveyance of unneeded real estate for nominal consideration; qualified recipients; reversion
	<u>N.J.S.A. 18A:20-34</u>	Use of schoolhouse and grounds for various purposes
	<u>N.J.S.A. 18A:33-11.1</u>	Breakfast after the bell program;
	<u>N.J.S.A. 18A:35-4.29</u>	Requirements for cardiopulmonary resuscitation (CPR) and automated defibrillator (AED) instruction
	<u>N.J.S.A. 18A:36-25</u>	Early detection of missing and abused children; policies of school districts
	<u>N.J.S.A. 18A:38-30</u>	Assistance of sheriffs, police officers, etc.
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Instructional programs on substance abuse
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:40A-10, 11, -12, -15, -16, -17, -18</u>	
	<u>N.J.S.A. 18A:40-12.6</u>	Administration of epinephrine
	<u>N.J.S.A. 18A:40-27.1</u>	Provision of nursing services to preschool students
	<u>N.J.S.A. 18A:40-41</u>	Pamphlet on sudden cardiac arrest non-profit youth-serving organizations
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:40-41j</u>	
	<u>N.J.S.A. 18A:41-1</u>	Fire drills
	<u>N.J.S.A. 18A:41-5</u>	Reporting fires
	<u>N.J.S.A. 18A:41-6</u>	School security drills
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 19:60-1.1</u>	Procedure for moving the date of school elections
	<u>N.J.S.A. 40:55D-8 et al.</u>	Municipal fees; exemptions
	<u>N.J.S.A. 40A:65-16.</u>	Provisions of joint contract
	<u>N.J.A.C. 5:70-2.5</u>	Required inspections
	<u>N.J.A.C. 5:70-2.24</u>	Inspection of educational occupancies
	<u>N.J.A.C. 6A:14-7.1 et seq.</u>	Receiving Schools
	<u>N.J.A.C. 6A:14-8.1 et seq.</u>	Programs Operated by the Departments of Corrections and Human Services, and the Juvenile Justice Commission
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Student Development Programs
	<u>See particularly:</u>	

LOCAL UNITS (continued)

N.J.A.C. 6A:16-4.1(b)(c),
5.2, 6.1, 6.2, 11.1

N.J.A.C. 6A:30-1.1 et seq.

N.J.A.C. 6A:32-9.1(c)

Evaluation of the performance of school districts

Athletics Procedures (General requirements)

The New Jersey School Search Policy Manual, New Jersey Attorney General

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible**Cross References:**

*1330	Use of school facilities
1420	County and intermediate units
*1600	Relations between other entities and the district
*3220/3230	State funds; federal funds
*3320	Purchasing procedures
*5125	Student records
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141.1	Accidents
*5141.4	Child abuse and neglect
5141.6	Crisis intervention
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6114	Emergencies and disaster preparedness
*6122	Articulation
*6145.1/6145.2	Intramural competition; interscholastic competition
*6172	Alternative educational programs
*7110	Long-Range facilities planning
7130	Relations with other governmental units

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 1600

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

RELATIONS BETWEEN OTHER ENTITIES AND THE DISTRICT

The Salem City Board of Education believes that cooperation between the schools and other organizations concerned with youth, career development and mental health will enhance the opportunities of the district's students. Such cooperation will also enable the district to serve its students better through appropriate referrals as in substance abuse programs, special needs, etc. The superintendent is encouraged to explore areas of mutual concern with the administrative officers of such organizations and to recommend desirable courses of action.

The board directs the superintendent to seek and maintain working relationships with local colleges and universities in such areas as student teaching, inservice staff development and advanced placement.

It is of particular importance to establish and maintain close working relations with trades, businesses and industries, which provide members for advisory committees and are possible sources of career placements for our students.

The Board may enter into cooperative agreements, otherwise known as "interlocal agreements," "shared service agreements," and/or "consortiums," with other school districts and other units of government in accordance with law.

New Jersey Student Learning Standards

The board shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the New Jersey Student Learning Standards.

The board shall make reasonable efforts to develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified high school students, with the understanding that these credits shall be accepted at all public New Jersey higher education institutions.

Charter Schools

The board shall follow all procedures in code and statute when a charter school is proposed for the district or when district students would be eligible to attend a charter school in another district.

Relations With Non-Public Schools

The Salem City Board of Education will cooperate with parochial and private schools in matters of mutual benefit not expressly prohibited by law. The Superintendent of Schools is encouraged to explore areas of mutual benefit with the administrative officer of such schools and to recommend desirable courses of action.

Donations to Private Organizations

The authority for a board of education to expend public funds is derived from the constitutional mandate to "provide for the maintenance and support of a thorough and efficient system of free public schools." The donation of moneys to any private organization, regardless of the merits of that organization's purposes, is not within the authority of the board and is therefore, prohibited.

**RELATIONS BETWEEN OTHER ENTITIES
AND THE DISTRICT (continued)**

Adopted: March 28, 2007, October 10, 2018
 NJSBA Review/Update: February 27, 2022
 Readopted: August 10, 2022

Key Words

Other Entities and the District, Relations Between Other Entities and the District, Donations to Private Organizations

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-14.1	Appointment of school business administrators; may act as secretary; duties, etc.
	<u>N.J.S.A.</u> 18A:17-15	Appointment of superintendents; terms; apportionment of expense
	<u>N.J.S.A.</u> 18A:17-24.1	Sharing of personnel by school boards
	<u>N.J.S.A.</u> 18A:20-9	Conveyance of unneeded real estate for nominal consideration; qualified recipients; reversion
	<u>N.J.S.A.</u> 18A:20-34	Use of schoolhouse and grounds for various purposes
	<u>N.J.S.A.</u> 18A:36A-1 <u>et seq.</u>	Charter schools
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:58-37.1 <u>et seq.</u>	Textbook aid to public and nonpublic schools
	<u>N.J.S.A.</u> 18A:61C-1	Program promoting cooperation between high schools and institutions of higher education; establishment; objective; increased availability of college-level instruction; scope
	<u>N.J.S.A.</u> 18A:61C-4	Program providing college credit courses for high school students on high school campuses; establishment
	<u>N.J.S.A.</u> 40A:65-1 <u>et seq.</u>	<u>Uniform Shared Services and Consolidation Act</u>
	<u>N.J.S.A.</u> 52:14-15.9cl <u>et seq.</u>	<u>Public Employees Charitable Fund-Raising Act</u>
	<u>N.J.A.C.</u> 6A:8-3.1(a)2	Curriculum and instruction
	<u>N.J.A.C.</u> 6A:8-3.3(a)	Enrollment in college courses
	<u>N.J.A.C.</u> 6A:11-1.1 <u>et seq.</u>	Charter Schools
	<u>N.J.A.C.</u> 6A:14-7.1 <u>et seq.</u>	Receiving Schools
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Student Development Programs
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-4.1(a)(b), -4.2(a)	
	<u>N.J.A.C.</u> 6A:23A-20.1 <u>et seq.</u>	Ownership and storage of textbooks
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the performance of school districts

Zelman, Superintendent of Public Instruction of Ohio, et al. V. Simmons-Harris et al, 536 U.S. (2002)

New Jersey Constitution, Article VIII, Section III, pars. 2 and 3, Section IV, par. 1

Possible

<u>Cross References:</u>	1320	Participation in out-of-school community activities
	*1322	Contests for students
	*1330	Use of school facilities
	*1410	Local units
	1420	County and intermediate units

RELATIONS BETWEEN OTHER ENTITIES
AND THE DISTRICT (continued)

1500	Relations between area, county, state, regional and national associations and the district
*2131	Superintendent
*3280	Gifts, grants and bequests
*4122	Student teachers/interns
*5131.6	Drugs, alcohol, tobacco (substance abuse)
5141.6	Crisis intervention
*5200	Nonpublic school students
*6010	Goals and objectives
*6122	Articulation
6141.5	Advanced placement
*6142.4	Physical education and health
*6146	Graduation requirements
*6162.4	Community resources
*6171.2	Gifted and talented

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 2000/2010

Policy

☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

CONCEPTS AND ROLES IN ADMINISTRATION; GOALS AND OBJECTIVES

The Salem City Board of Education shall establish policies that govern all aspects of district operations. The board expects the educational administration to direct, coordinate and supervise students and staff in their efforts to reach goals and objectives adopted by the board.

Within the guidelines of board policy, negotiated agreements and New Jersey law, the board expects the educational administration to:

- A. Provide up-to-date information and sound professional advice to the board, as an aid in informed decision making;
- B. Plan, organize, implement and evaluate the educational programs established by board policy, in order to provide optimum educational opportunities to the students of the district;
- C. Provide these optimum educational opportunities at the lowest possible cost;
- D. Use efficient administrative and management procedures including supervision and evaluation of teaching staff, pursuant to law and regulations, and developed after consultation with and among the board, administrators and appropriate staff members;
- E. Coordinate the resources of the community with those of the district;
- F. Keep the board informed of all new legislative actions or changes in code and statute that affect the policies, programs or operations of the district.

Adopted: March 28, 2007, July 11, 2018
NJSBA Review/Update: February 23, 2022
Readopted: September 14, 2022

Key Words

Administrative Role

<u>Legal References:</u>	<u>N.J.S.A. 18A:7A-3 et al.</u>	<u>Public School Education Act of 1975</u>
	<u>N.J.S.A. 18A:7F-43 et seq.</u>	<u>School Funding Reform Act of 2008</u>
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-21 et seq.</u>	<u>School Ethics Act</u>
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:8-1.1 et seq.</u>	Standards and Assessment
	<u>N.J.A.C. 6A:28-1.1 et seq.</u>	School Ethics Commission
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-1.1 et seq.</u>	School District Operations

Possible

Cross References: *2131 Superintendent
*2210 Administrative leeway in absence of board policy
3293.1 Signatures/facsimiles

CONCEPTS AND ROLES IN ADMINISTRATION;
GOALS AND OBJECTIVES (continued)

- *4111 Recruitment, selection and hiring
- *4115 Supervision
- *4116 Evaluation
- *4211 Recruitment, selection and hiring
- *4215 Evaluation
- *9000 Role of the board
- *9313 Formulation, adoption, amendment of administrative regulations

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 2121
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Policy

LINE OF RESPONSIBILITY

The Salem City Board of education shall operate under a unit control system headed by the superintendent. The superintendent shall be responsible for all programs provided by the district, both educational and operational.

The authority of the board of education is transmitted through the superintendent along specific paths from person to person as shown in the organization chart of the school district. The lines of authority represent direction of authority and responsibility. The lines are those approved by the board of education and are intended to establish clear understanding on the part of all personnel of the working relationships in the school system.

Personnel are expected to refer matters requiring administrative action to the administrator to whom they are responsible. Personnel are expected to keep the person to whom they are immediately responsible informed of their activities by appropriate means.

Adopted: February 8, 2006, March 28, 2007
NJSBA Review/Update: February 2022
Readopted: September 14, 2022

Key Words

Unit Control, Dual Control, Line of Authority, Organization Chart

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-5 through -14.3	Secretaries, Assistant Secretaries and School Business Administrators
	<u>N.J.S.A.</u> 18A:17-15 through -23	Superintendents and Assistant Superintendent of Schools
	<u>N.J.S.A.</u> 18A:17-24.1 <u>et seq.</u>	Shared Administrators, Superintendents
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:9B-12.3	Authorization
	<u>N.J.A.C.</u> 6A:9B-12.4	School administrator
	<u>N.J.A.C.</u> 6A:9B-12.7	School business administrator
	<u>N.J.A.C.</u> 6A:32-2.1	Definitions (superintendent)

Possible

<u>Cross References:</u>	*1312	Community complaints and inquiries
	2100	Administrative staff organization
	*2131	Superintendent
	*2210	Administrative leeway in absence of board policy
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	9123	Appointment of board secretary
	*9313	Formulation, adoption, amendment of administrative regulations

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PRINCIPAL EVALUATION

The Salem City Board of Education believes that the evaluation of effective leadership and administration practices improves success in the achievement of the educational goals of this district, including student achievement of the New Jersey Student Learning Standards. The board shall implement an effective system for the evaluation of principals, assistant principals, and vice-principals. The purpose of this evaluation shall be to promote professional excellence and improve the skills of principals, assistant principals and vice-principals; improve student learning and growth; and provide a basis for the review of performance. The board is committed to establishing educator evaluation rubrics for the evaluation of administrative staff members' effectiveness to further the development of a professional corps of State educators and to increase student achievement. The district evaluation system shall facilitate:

- A. Continual improvement of leadership and instruction;
- B. Meaningful differentiation of performance using four performance levels;
- C. Use of multiple valid measures in determining performance levels, including objective measures of student performance and measures of professional practice;
- D. Evaluation of principals, assistant principals and vice-principals on a regular basis;
- E. Delivery of clear, timely and useful feedback, including feedback that identifies areas for growth and guides professional development; and
- F. School district personnel decisions.

Evaluation Rubrics

Annually, on or before June 1, the board will submit to the Commissioner of Education, the evaluation rubric(s) to be used to assess the effectiveness of principals, vice principals, and assistant principals for the Commissioner's approval. The board shall ensure that the evaluation rubric complies with the standards established by the State Board of Education and currently established at N.J.S.A. 18A:6-123 and codified at N.J.A.C.6A:10-5.1 and as detailed in board regulation at this file code (2130), including but not limited to:

- A. Measures of student achievement;
- B. And measures of principal practice including observation.

In the event the board fails to timely submit an evaluation rubric for approval, the model rubric shall be used to assess the effectiveness of principals, vice principals, and assistant principals.

Training

Prior to conducting an observation for the evaluation of a principal, the superintendent/designee shall complete training in the evaluation rubric approved for the principal title. The evaluation rubric must have been approved by the Commissioner of Education and the board prior to its use in the district as an evaluative measure. The superintendent shall be trained on the components of the evaluation rubric including student achievement measures and all aspects of the practice instrument.

Prior to conducting an observation for the evaluation of a vice principal or assistant principal, the superintendent/designee or principal shall complete training in the evaluation rubric approved for the vice principal or assistant principal title. The evaluation rubric must have been approved by the Commissioner of

PRINCIPAL EVALUATION (continued)

Education and the board prior to its use in the district as an evaluative measure.

Collective Bargaining

No collective bargaining agreement entered into after July 1, 2013 may contain terms that conflict with any provision of board policy and regulation and the Teacher Effectiveness and Accountability for the Children of New Jersey Act (N.J.S.A. 18A:6-117 et seq.). The district's Commissioner approved evaluation rubric shall not be subject to collective negotiations.

Principal Evaluation

The components of the principal evaluation rubric shall apply to professional staff members appointed to the position of principal, vice principal, or assistant principal and holding a valid and effective standard, provisional, or emergency administrative certificate issued by the State Board of Examiners.

The principal evaluation rubric shall meet the standards provided in N.J.S.A. 18A:6-123 and N.J.A.C. 6A:10-5.1, including, but not limited to:

- A. Student achievement;
- B. Principal practice; and
- C. Principal observations.

The superintendent or his designee and the principal, as appropriate, shall conduct a mid-year evaluation of any principal, assistant principal, or vice-principal who is evaluated as ineffective or partially effective in his most recent annual summative evaluation.

Principal, Assistant Principal, and Vice Principal Observations

The superintendent, or his or her designee, shall conduct observations for the evaluation of principals.

A principal, or a superintendent or his or her designee, shall conduct observations for the evaluation of assistant principals and vice principals. For the purpose of collecting data for the evaluation of a principal, assistant principal, or vice principal, an observation may include, but is not limited to: building walk-through, staff meeting observation, parent conference observation, or case study analysis of a significant student issue.

Each tenured principal, assistant principal, and vice principal shall be observed at least two times during each school year. Each nontenured principal, assistant principal, and vice principal shall be observed at least three times during each school year, as required by N.J.S.A. 18A:27-3.1. During the first year of employment, the three required observations shall be completed by April 30. The number of required observations shall be prorated if the principal, assistant principal or vice principal has been employed for less than one academic year on April 30.

Each evaluation shall be followed by a post-observation conference between the principal, assistant principal or vice principal and his or her superiors in order to determine whether recommend re-appointment, identify any deficiencies, extend assistance for their correction and improve professional competence. The post-observation conference shall consist of a meeting, either in-person or remotely, between the evaluator and the principal, assistant principal or vice-principal to discuss the data collected in the observation. Post observation conferences shall be conducted according to law and board procedure (see: 2130 Principal Evaluation, Regulation).

An additional observation and post-observation conference shall be required as part of the corrective action plan for any principal, assistant principal or vice-principal who has been rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics. The superintendent or principal shall determine the length of the observation.

PRINCIPAL EVALUATION (continued)Professional Development Plans

The superintendent shall oversee and review for each principal and supervisor, professional development that links to individual, school, and district professional development goals and the school district's professional development plan. The individual professional development plans shall be derived from the results of observations, evidence, and recommendations included in the annual performance evaluation of the principal, assistant principal or vice-principal (see: 2130 Principal Evaluation, Regulation and board policy 4131/4131.1 Staff Development).

Corrective Action Plans

Each principal, assistant principal or vice-principal, rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, shall develop a corrective action plan in consultation with the superintendent/designee. The corrective action plan shall be developed and conducted according law and board procedure 2130 Principal Evaluation, Regulation.

The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference. The corrective action plan shall remain in effect until the school leader receives his or her next summative evaluation rating.

The content of the corrective action plan shall:

- A. Address areas in need of improvement identified in the evaluation rubric that resulted in the partially ineffective or ineffective rating;
- B. Include specific, demonstrable goals for improvement;
- C. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
- D. Include timelines for meeting the goal(s).

The corrective action plan shall remain in effect until the principal, assistant principal or vice-principal receives his or her next summative evaluation rating.

There shall be no minimum number of teaching staff member working days that a teaching staff member's corrective action plan can be in place.

Records

The board shall include all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part the teaching staff member's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of a district board of education for the purposes of conducting the educator evaluation process, including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in this policy shall be construed to prohibit the New Jersey Department of Education or the district from, at its discretion, collecting evaluation data or distributing aggregate statistics regarding evaluation data.

Certification

Annually, the superintendent shall certify to the Department of Education that all supervisors of teaching staff

PRINCIPAL EVALUATION (continued)

members in the school district who are utilizing educator practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the educator practice instruments.

Adopted: December 11, 2013, July 11, 2018
 NJSBA Review/Update: February 2022
 Readopted: September 14, 2022

Key Words

Evaluation, Principal Evaluation, Personnel Evaluation, Principal, Assistant Principal, Vice-Principal Evaluation Rubric

<u>Legal References:</u>	
<u>N.J.S.A. 18A:4-15</u>	General rule-making power, State Board of Education
<u>N.J.S.A. 18A:4-16</u>	Incidental powers conferred, State Board of Education
<u>N.J.S.A. 18A:6-10 et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system
<u>N.J.S.A. 18A:6-117 et seq.</u>	Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act
<u>See particularly:</u>	Definitions relative to the TEACHNJ Act
<u>N.J.S.A. 18A:6-119</u>	School improvement panel
<u>N.J.S.A. 18A:6-120</u>	Evaluation of principal, assistant principal, vice-principal
<u>N.J.S.A. 18A:6-121</u>	Annual submission of evaluation rubrics
<u>N.J.S.A. 18A:6-122</u>	Review, approval of evaluation rubrics
<u>N.J.S.A. 18A:6-123</u>	Conflicts with collective negotiations agreements
<u>N.J.S.A. 18A:6-126</u>	Research-based mentoring program
<u>N.J.S.A. 18A:6-127</u>	Ongoing professional development; corrective action plan
<u>N.J.S.A. 18A:6-128</u>	"School leader" defined; training as part of professional development
<u>N.J.S.A. 18A:26-8.2</u>	Evaluation of non-tenured teaching staff
<u>N.J.S.A. 18A:27-3.1 through -3.3</u>	
<u>N.J.S.A. 18A:27-4</u>	Power of boards of education to make rules governing employment of teacher
<u>N.J.S.A. 18A:27-4.1</u>	Board of Education, procedure for certain personnel actions
<u>N.J.S.A. 18A:27-10 et seq.</u>	Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
<u>N.J.S.A. 18A:28-5</u>	Requirements for tenure
<u>N.J.S.A. 18A:28-5.1</u>	Tenure upon transfer to an underperforming school
<u>N.J.S.A. 18A:29-14</u>	Withholding increments; causes; notice of appeals
<u>N.J.A.C. 6A:9C-1.1 et seq.</u>	Required professional development for teachers and school leaders
<u>See particularly:</u>	Components of professional development
<u>N.J.A.C. 6A:9C-3.2</u>	Standards for professional learning
<u>N.J.A.C. 6A:9C-3.3</u>	District- and school-level plans for professional development implementation
<u>N.J.A.C. 6A:9C-4.2</u>	Requirements for and implementation of school leaders' individual professional development plans
<u>N.J.A.C. 6A:9C-4.3</u>	Educator effectiveness
<u>N.J.A.C. 6A:10-1.1 et seq.</u>	
<u>See particularly:</u>	Definitions
<u>N.J.A.C. 6A:10-1.2</u>	Duties of district boards of education
<u>N.J.A.C. 6A:10-2.2</u>	
<u>N.J.A.C. 6A:10-5.1 et seq.</u>	Components of principal evaluation
<u>See particularly:</u>	
<u>N.J.A.C. 6A:10-5.1</u>	Components of principal evaluation rubrics

PRINCIPAL EVALUATION (continued)

through -5.3
N.J.A.C. 6A:10-5.4 Principal, assistant principal and vice-principals
 observations
N.J.A.C. 6A:32-5.1 et seq. Standards for determining seniority

Possible**Cross References:**

*2131	Superintendent
*4112.6/4212.6	Personnel records
*4115	Supervision
*4116	Evaluation
*4117.41	Nonrenewal
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4215	Supervision
*4216	Evaluation
*4231/4231.1	Staff development; inservice education/visitations/conferences
*6143.1	Lesson plans

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

PRINCIPAL EVALUATION

GENERAL STATEMENT

The Salem City Board of Education directs the superintendent to oversee the implementation of the evaluation process for all principals, vice-principals and assistant principals. The board recognizes that the procedures for the implementation of the evaluation process shall in part depend on the specific procedural instructions accompanying the board adopted evaluation rubrics and practice instruments. Therefore, the board directs the superintendent to dedicate the supervisory staff necessary to conduct the evaluation process according to such instruction within the time frames detailed in law and board policy.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none">• General policy and procedure oversight within the district• Developing and recommending for board adoption the evaluation rubrics and practice instruments• Complete training and ensure all administrators conducting evaluations receive training on the evaluation process• Conduct observations and designate staff to conduct observations and post-observation conferences• Report district evaluation data to the board
Building principal	<ul style="list-style-type: none">• General oversight of policy and procedures in the school• Conduct observations and post-observation conferences of assistant and vice principals
Principal, vice principal, assistant principal	<ul style="list-style-type: none">• Receive training in observation, evaluation rubrics, practice instruments
School leader	<ul style="list-style-type: none">• Complete training in implementation of the evaluation rubric, fully and appropriately observe and evaluate staff members pursuant to district policy
Board of education	<ul style="list-style-type: none">• Approve evaluation rubric and practice instruments• Annually readopt teacher evaluation policies and procedures

DEFINITIONS

"Observation" means a method of collecting data on the performance of a teaching staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, principal, or supervisor endorsement. Short observations shall last at least 20 minutes. Long observations shall last at least 40 minutes or one class period, whichever is longer.

"School leader" means a district staff member who holds a position that requires the possession of a superintendent, principal, or supervisor endorsement, however for the purposes of Policy File Code 2130 and Regulation File Code 2130, the term does not include the superintendent.

PRINCIPAL EVALUATION (regulation continued)

"Student growth objective" means an academic goal that teachers and evaluators set for groups of students.

"Student growth percentile" means a specific metric for measuring individual student progress on statewide assessments by tracking how much a student's test scores have changed relative to other students Statewide with similar scores in previous years.

"Supervisor" means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, principal, or supervisor endorsement.

"Teacher" means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the State Board of Examiners and is assigned a class roster of students for at least one particular course.

"Teaching staff member" means a member of the professional staff of any district or regional board of education, or any county vocational school district board of education, 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.

PROCEDURES

As part of the evaluation rubric, the board shall approve and adopt a principal practice evaluation instrument that appears on an approved list provided by the Department of Education or shall obtain Commissioner approval to implement a district evaluation instrument.

Annually the superintendent shall submit the evaluation rubric by June 1 for Commissioner approval by August 1. The evaluation rubrics shall include all relevant minimum standards set forth in (N.J.S.A. 18A:6-123):

- A. Four defined annual ratings: ineffective, partially effective, effective, and highly effective;
- B. The evaluation rubric must be partially based on multiple objective measures of student learning that assess student growth from one year's measure to the next year's measure;
- C. The district may determine the methods for measuring student growth, in grades in which a state test is not required;
- D. Multiple measures of practice and student learning are used in conjunction with professional standards of practice using a comprehensive evaluation process in rating effectiveness with specific measures and implementation processes;
- E. Standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher;
- F. The rubric is based on the professional standards for that employee;
- G. The performance measures used in the rubric are linked to student achievement;
- H. The employee receives multiple observations during the school year which shall be used in evaluating the employee;
- I. At each observation of a teacher, either the principal, his or her designee who is employed by the district in a supervisory role and capacity, and who possesses a school administrator certificate, principal certificate, or supervisor certificate, the vice-principal, or the assistant principal shall be present. The staff member who will be observing shall receive training on the use of the teaching practice observation instrument. The training shall be completed before the evaluator conducts the observation;

PRINCIPAL EVALUATION (regulation continued)

- J. An opportunity for the employee to improve his or her effectiveness from evaluation feedback;
- K. Guidelines regarding training and the demonstration of competence on the evaluation system to support its implementation;
- L. A process for ongoing monitoring and calibration of the observers to ensure that the observation protocols are being implemented correctly and consistently (the Commissioner has developed suggested calibration protocols that can be accessed [here](#));
- M. A performance framework, associated evaluation tools, and observation protocols, including training and observer calibration resources;
- N. A process for a school district to obtain the approval of the commissioner to utilize other evaluation tools; and
- O. A process for ensuring that the results of the evaluation help to inform instructional development.
- P. The superintendent shall ensure that the Board approved evaluation rubric is filed with the Commissioner of Education on or before June 1 of each school year. ([Additional rubric information can be found at the AchieveNJ website.](#))

Training

The superintendent shall ensure that all principals, vice principals, assistant principals and supervisors successfully complete the required training detailed in board policies 2130 Principal Evaluation and 4116 Evaluation of Teaching Staff Members.

The superintendent is directed to:

- A. Complete annual training on the evaluation rubric for all principals being evaluated in the school district. Training shall include all evaluation rubric components including detailed descriptions of student achievement components, and all aspects of the principal practice and principal observation components of the evaluation instruments. Such training shall be completed before the superintendent conducts his or her first observation.
- B. Complete training on the educator practice instruments for the evaluation of teaching staff members.
- C. Complete annual updates and/or refresher training on the educator practice instruments for the purpose of increasing accuracy and consistency among observations.
- D. Annually, the superintendent shall certify to the Department of Education that all supervisors of teaching staff members who are utilizing educator practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the educator practice instruments.

The superintendent is further directed to:

- E. Establish a training program that includes instruction on each component of the Commissioner approved evaluation rubric for all principal, assistant principal, and vice-principal who are being evaluated, with more comprehensive training for any principal, assistant principal, and vice-principal who is being evaluated for the first time. The training shall include detailed descriptions of all evaluation rubric components including detailed descriptions of student achievement measures, principal practice and principal observations.
- F. Provide training on the Commissioner approved principal practice instrument for any supervisor who will conduct observations for the purpose of evaluating teaching staff members. Training must be completed before the supervisor conducts his or her first observation for the purpose of evaluation.
- G. Annually provide updates and refreshers on the approved educator practice instruments for each

PRINCIPAL EVALUATION (regulation continued)

supervisor who will observe educator practice for the purpose of increasing accuracy and consistency among observers.

H. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete two co-observations during the academic year.

1. Co-observers shall use the co-observation to promote accuracy in scoring, and to continually train themselves on the instrument.
2. A co-observation shall count as one required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and 4.4

The superintendent shall notify all teaching staff members of the adopted policies and procedures by October 1 of each academic year. The board shall also ensure that the superintendent notifies newly hired staff of the evaluation policies and procedures within the first ten days of employment and that all teaching staff members are notified of any revisions to policy or procedure within ten days of adoption or issuance.

Measurements of the Principal Evaluation Rubric

A. Measures of student achievement (N.J.A.C. 6A:10-5.2) shall be used to determine impact on student learning and the approved principal evaluation rubric shall include the following student achievement components:

1. The school-wide student growth percentile, where applicable, of all students assigned to the principal;
2. The average of the student growth objective scores of every teacher assigned to the principal; and
3. Administrator goals set by principals, vice principals, and assistant principals in consultation with their supervisor which shall be specific and measurable, based on student growth and/or achievement data.

Student Growth Percentiles

The schoolwide student growth percentile score shall be included in the annual summative rating of principals, assistant principals, and vice principals who are assigned to a school as of October 15 and who are employed in schools where student growth percentiles are available for students in one or more grades. If a principal, assistant principal, or vice principal is employed in more than one school, the superintendent shall assign to the administrator, as appropriate, the schoolwide student growth percentile from one school and shall notify the administrator at the beginning of the school year of the school student growth percentile assignment.

The New Jersey Department of Education shall calculate the schoolwide student growth percentile for principals, assistant principals, and vice principals.

Average Student Growth Objective Scores

The average student growth objective (SGO) scores of all teachers, as described in law and board policy and regulation (N.J.A.C. 6A:10-4.2(e); see 4116 Teacher Evaluation, policy and regulation for more specific information on SGO) shall be a component of the principal's annual summative rating. The average student growth objective scores for assistant principals or vice principals shall be determined according to the following procedures:

- A. The principal, in consultation with the assistant principal or vice principal, shall determine prior to the start of the year, which teachers, if not all teachers in the school, shall be linked to the assistant principal and vice principal's average student growth objective score;
- B. If the assistant principal or vice principal does not agree with the list of teachers linked to his or her name for the purposes of this measurement, the principal shall make the final determination. ([More information can be found here.](#))

PRINCIPAL EVALUATION (regulation continued)Administrator Goals

Administrator goals for principals, assistant principals, or vice-principals shall be developed and measured according to the following procedures:

- A. The superintendent shall determine for all principals, assistant principals, or vice principals, the number of required administrator goals which shall reflect the achievement of a significant number of students within the school. By April 15 prior to the school year in which the evaluation rubric applies, the Department shall provide on the Department's website the minimum and maximum number of required goals, which will be at least one goal and no more than four goals;
- B. Principals, assistant principals, or vice principals shall develop in consultation with their designated supervisor, each administrator goal.
- C. Each vice principal and assistant principal shall set goals specific to his or her job description or adopt the same goals as his or her principal. If the principal, assistant principal, or vice principal and his or her supervisor do not agree upon the administrator goal score, the principal, assistant principal, or vice principal's supervisor shall make the final determination.
- D. Administrator goals and the criteria for assessing performance based on those objectives shall be determined, recorded, and retained by the principal, vice principal, or assistant principal and his or her designated supervisor by October 31 of each academic year, or within 25 work days of the principal, vice principal, or assistant principal's start date if he or she begins work after October 1.
- E. The administrator goal score shall be calculated by the designated supervisor of the principal, vice principal, or assistant principal. The principal, vice principal, or assistant principal's administrator goal score, if available, shall be discussed at his or her annual summary conference and recorded in his or her personnel file.

Measures of Principal Practice

Measures of principal practice shall include a measure determined through a Commissioner-approved principal practice instrument, and may include a leadership measure determined through the Department-created leadership rubric.

Principal practice component rating shall be based on the measurement of the principal, assistant principal, or vice principal's performance according to the school district's Commissioner-approved principal practice instrument. Observations pursuant to N.J.A.C. 6A:10-5.4 shall be used as one form of evidence for this measurement.

Leadership practice shall be determined by a score on a leadership rubric, which will assess the principal, vice-principal, or assistant principal's ability to improve student achievement and teaching staff member effectiveness through identified leader behaviors. The rubric will be posted on the Department of Education's website and annually maintained.

Principal, Assistant Principal, and Vice Principal Observations

The superintendent, or his or her designee, shall conduct observations for the evaluation of principals.

A principal, or a superintendent or his or her designee, shall conduct observations for the evaluation of assistant principals and vice principals.

For the purpose of collecting data for the evaluation of a principal, assistant principal, or vice principal, an observation may include, but is not limited to: building walk-through, staff meeting observation, parent conference observation, or case study analysis of a significant student issue.

Each tenured principal, assistant principal, and vice principal shall be observed at least two times during each school year. Each nontenured principal, assistant principal, and vice principal shall be observed at least three

PRINCIPAL EVALUATION (regulation continued)

times during each school year, as required by N.J.S.A. 18A:27-3.1. During the first year of employment, the three required observations shall be completed by April 30. The number of required observations shall be prorated if the principal, assistant principal or vice principal has been employed for less than one academic year on April 30.

Post-observation conferences shall include the following procedures:

- A. The supervisor who is present at the observation shall conduct a post-observation conference with the principal, assistant principal, or vice principal being observed. A post-observation conference shall occur no more than 15 teaching staff member 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 principal practice instrument and the principal, assistant principal, or vice principal's individual professional development plan, collecting additional information needed for the evaluation, and offering areas to improve effectiveness;
- C. With the consent of the observed principal, assistant principal, or vice principal, post-observation conferences for individuals who are not on a corrective action plan may be conducted via written communication, including electronic communication;
- D. One post-observation conference may be combined with the principal, assistant principal, or vice principal's annual summary conference as long as it occurs within the required 15 teaching staff member working days following the observation;
- E. A written or electronic evaluation report shall be signed by the supervisor who conducted the observation and post-observation and the principal, assistant principal, or vice principal who was observed;
- F. The principal, assistant principal, or vice principal shall submit his or her written objection(s) of the evaluation within 10 working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.

An additional observation and post-observation conference shall be required as part of the corrective action plan for any principal, assistant principal or vice-principal who has been rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics.

Professional Development Plans

The superintendent shall oversee and review for each principal and supervisor, professional development that links to individual, school, and district professional development goals and the school district's professional development plan.

Each school leader shall create, implement, and complete an individual professional development plan (PDP) that:

- A. Aligns with the Professional Standards for School Leaders (N.J.A.C. 6A:9-3.4) and the Standards for Professional Learning (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 goals that address specific individual, school, or district goals; and
- D. Grounds professional learning in objectives related to improving teaching, learning, and student achievement, and aligns to the school and/or school district plan for professional development; and
- E. Includes training on: school law, ethics, and governance; and other statutory requirements related to student safety, bullying and harassment, and well-being.

PRINCIPAL EVALUATION (regulation continued)

F. The superintendent/designee shall:

1. Review each school leader's individual PDP and individual training needs to ensure alignment to district goals and the school district's plan for professional development;
2. 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
3. Review the individual PDP's status as part of the principal's, supervisor's, or other school leader's annual performance evaluation.

Note: see board policy 4131/4131.1 Staff Development

Corrective Action Plans

A principal, assistant principal and vice principal are included in the definition of teaching staff member, in accordance with N.J.A.C. 6A:10-1.2 Definitions.

- A. For each principal, assistant principal or vice principal rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by that principal, assistant principal or vice principal and their designated supervisor. If the principal, assistant principal or vice principal does not agree with the corrective action plan's content, the designated supervisor shall make the final determination. The corrective action plan shall be developed according to the procedures detailed in board policy 2130 Principal Evaluation and 4131/4131.1 Staff Development.
- B. The corrective action plan shall be developed and the principal, assistant principal or vice principal and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation;
- C. When the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the principal, assistant principal or vice principal and his or her designated supervisor shall meet to discuss the corrective action plan within 25 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating;
- D. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:
 1. Address areas in need of improvement identified in the evaluation rubric;
 2. Include specific, demonstrable goals for improvement;
 3. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 4. Include timelines for meeting the goal(s).
- E. The principal, assistant principal or vice principal's designated supervisor and the teaching staff member on a corrective action plan shall discuss the principal, assistant principal or vice principal's progress toward the goals outlined in the corrective action plan during each required post-observation conference, pursuant to N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-4.4. The principal, assistant principal or vice principal and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.
- F. Progress toward the principal, assistant principal or vice principal's goals outlined in the corrective action plan shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals.
- G. Progress toward the teaching staff member's goals outlined in the corrective action plan may be used as evidence in the school leader's next annual summative evaluation; however, such progress shall not

PRINCIPAL EVALUATION (regulation continued)

guarantee an effective rating on the next summative evaluation.

- H. Responsibilities of the evaluated employee on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated supervisor.
- I. A superintendent, or his or her designee, and the principal, as appropriate, shall conduct a mid-year evaluation of any school leader pursuant to N.J.S.A. 18A:6-121(c), where the school leader was rated ineffective or partially effective in his or her most recent annual summative evaluation. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the school leader's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.

The superintendent shall ensure principals, vice principals and assistant principals with a corrective action plan receive one observation and a post-observation in addition to the observations required in N.J.A.C. 6A:10-5.4 for the purpose of evaluation, as described in N.J.A.C. 6A:10-1.2 and 5.4.

The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.

There shall be no minimum number of teaching staff member working days that a teaching staff member's corrective action plan can be in place.

Records

All information contained in written performance reports and all information collected, compiled, and/or maintained by employees of the district for the purposes of conducting the educator evaluation process pursuant to this chapter shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in this section shall be construed to prohibit the Department of Education from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123(e) or distributing aggregate statistics regarding evaluation data.

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of a district board of education for the purposes of conducting the educator evaluation process, including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in this policy shall be construed to prohibit the New Jersey Department of Education or the district from, at its discretion, collecting evaluation data or distributing aggregate statistics regarding evaluation data.

REGULATION HISTORY

Date of Review/Revision:	February 2022
Effective Date:	September 14, 2022

CROSS REFERENCES

2131	Superintendent
4116	Evaluation of Teaching Staff Members
4116	Evaluation of Teaching Staff Members, Regulation
4131/4131.1	Staff Development
4131/4131.1	Staff Development, Exhibit

RESOURCES

The Commissioner list of approved practice instruments can be found [here](#)

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 2131

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

SUPERINTENDENT

The Salem City Board of Education, in compliance with state law, will evaluate the superintendent at least annually. Each evaluation shall be in writing, a copy shall be provided to the superintendent and the board shall meet to discuss the findings. The evaluations shall be based upon the goals and objectives of the district, the responsibilities of the superintendent and such other criteria as the State Board of Education shall by regulation prescribe. Every newly appointed or elected board member shall complete the New Jersey School Boards Association's training program on evaluation of superintendents within six months of commencement of his/her term of office. The purpose of the evaluation shall be:

- A. To promote professional excellence and improve the skills of the superintendent;
- B. To improve the quality of the education received by the students served by the public schools of the district;
- C. To provide a basis for the review of the job performance of the superintendent.

Role and Responsibility of the Board

The role and responsibility of the board in the evaluation of the superintendent shall be:

- A. To ensure that each member completes the New Jersey School Boards Association training program on the evaluation of the superintendent within six months of the commencement of newly appointed or elected district board member's term of office (N.J.S.A. 18A:17-20.3, b; see board policy 9200 Orientation and Training of Board Members);
- B. After consultation with the superintendent, to determine the roles and responsibilities for the implementation of this policy and attendant procedures;
- C. After consultation with the superintendent, to prepare an individual plan for professional growth and development of the superintendent based in part upon any needs identified in the evaluation. This plan shall be mutually developed by the board and the superintendent;
- D. To ensure that a majority of the full membership of the board shall prepare an annual performance report and convene an annual summary conference between the superintendent and a majority of the full membership of the board;
- E. To hold an annual summary conference with a majority of the total membership of the board and the superintendent. The annual summary conference shall be held before the written performance report is filed. The conference shall be held in executive session, unless the superintendent, subsequent to adequate notice, requests that it be held in public. The conference shall include, but not be limited to, review of the following:
 - 1. Performance of the superintendent based upon the job description;
 - 2. Progress of the superintendent in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals, and statutory requirements; and
 - 3. Indicators of student progress and growth toward program objectives.
- F. To prepare, by July 1, subsequent to the annual summary conference, an annual written performance report. The annual performance report shall be prepared by a majority of the full membership of the board

CHIEF SCHOOL ADMINISTRATOR (continued)

and provided to the superintendent. This report shall include, but not be limited to:

1. Performance areas of strength;
2. Performance areas needing improvement based upon the job description and evaluation criteria in "E" above;
3. Recommendations for professional growth and development;
4. A summary of available indicators of student progress and growth and a statement of how these available indicators relate to the effectiveness of the overall program and the performance of the superintendent;
5. An option for the superintendent, within 10 days of receipt of the report, to include for performance data which has not been included in the report prepared by the board of education to be entered into the record by the superintendent.

The board shall add to the superintendent's personnel file, all written performance reports and supporting data, including, but not limited to, indicators of student progress and growth to a superintendent's personnel file. The records shall be confidential and not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The board may determine whether the services of a qualified consultant will contribute substantially to the evaluation process and to engage such a consultant as deemed appropriate to assist the board. The evaluation itself shall be the responsibility of the board.

Role and Responsibility of the Superintendent

The board shall determine the roles and responsibilities of the superintendent in consultation with the superintendent. The superintendent shall provide information and propose procedures for:

- A. The development of a job description and evaluation criteria, based upon the district's local goals, program objectives, policies, instructional priorities, state goals, statutory requirements, and the functions, duties and responsibilities of the superintendent. The evaluation criteria shall include but not be limited to available indicators of student progress;
- B. Specification of methods of data collection and reporting appropriate to the job description;
- C. Design of evaluation instruments suited to reviewing the superintendent's performance based upon the job description;
- D. Establishing an evaluation calendar to include a date for the annual conference and including appropriate information to allow proper consideration of all the items to be included in the subsequent written performance report;
- E. After the board's preparation of the annual written performance report, to provide all other appropriate information relative to evaluation of his/her performance not contained in the report.
- F. Preparation and review of the Professional Growth Plan for the administrator's professional development.

In the absence of the superintendent, an acting superintendent is automatically assigned according to the following order, unless otherwise designated by the Salem City Board of Education:

- A. Board secretary/school business administrator;

CHIEF SCHOOL ADMINISTRATOR (continued)

- B. Curriculum coordinator;
- C. Child study team supervisor;
- D. Principal as designated by superintendent.

The role of acting superintendent shall be the same as for the superintendent. The policy shall be delivered to the superintendent upon adoption.

Amendments to the policy shall be distributed within 10 working days after adoption.

Adopted: November 12, 1980, September 8, 1988, April 13, 1989,
June 12, 2002, March 28, 2007, January 7, 2014
NJSBA Review/Update: February 2022
Readopted: September 14, 2022

Key Words

Superintendent Evaluation, Superintendent Job Description, CSA, Superintendent, Evaluation

Legal References:

NOTE: These legal references pertain primarily to the superintendent's employment and evaluation. Many specific responsibilities are assigned by other statutes and administrative code regulations.

<u>N.J.S.A.</u> 18A:4-15	General rule-making power
<u>N.J.S.A.</u> 18A:6-10	Dismissal and reduction in compensation of persons
through -17	under tenure in public school system
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
<u>N.J.S.A.</u> 18A:17-15	Appointment of superintendents; terms;
through -21	
<u>N.J.S.A.</u> 18A:17-20	Tenured and non-tenured superintendents; general
<u>See particularly:</u>	powers and duties
<u>N.J.S.A.</u> 18A:17-20.3	Evaluation of superintendent's performance
<u>N.J.S.A.</u> 18A:17-24	Clerks in superintendent's office
<u>N.J.S.A.</u> 18A:17-24.1	Shared administrators, superintendents
<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and
	employees; exceptions
<u>N.J.S.A.</u> 18A:28-3	No tenure for noncitizens
through -6.1	
<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
<u>N.J.S.A.</u> 40A:65-1 <u>et seq.</u>	Uniform Shared Services and Consolidation Act
<u>N.J.A.C.</u> 6A:9-3.4	Professional standards for school leaders
<u>N.J.A.C.</u> 6A:9B-12.1	Requirements for administrative certification
<u>N.J.A.C.</u> 6A:10-8.1	Evaluation of superintendents
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the performance of school districts
<u>N.J.A.C.</u> 6A:32-4.1 <u>et seq.</u>	Employment of teaching staff
8 <u>U.S.C.</u> 1101 <u>et seq.</u>	Immigration and Nationality Act

CHIEF SCHOOL ADMINISTRATOR (continued)

Possible

<u>Cross References:</u>	*2000/2010	Concepts and roles in administration; goals and objectives
	*2121	Line of responsibility
	*4111	Recruitment, selection and hiring
	*4211	Recruitment, selection and hiring
	*9000	Role of the board
	*9400	Board self-evaluation

*Indicates policy is included in the Critical Policy Reference Manual.

Exhibit

CODE OF ETHICS FOR ADMINISTRATORS

Definitions

For the purposes of this policy, the following definitions shall apply:

- A. "Administrator" means any employee of this school district who holds a position that:
 - 1. Requires certification with the endorsement of school administrator, principal or school business administrator;
 - 2. Does not require certification but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the school district;
 - 3. Requires certification with the endorsement of supervisor and is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the school district.
- B. "Business" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school district or other public entity.
- C. "Interest" means the ownership of or control of more than ten percent of the profits, assets, or stock of a business but does not include the control of assets in a labor union.
- D. "Immediate family" means the person to whom the administrator is legally married and any dependent child of the administrator residing in the same household.

Code of Ethics

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

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

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

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

No administrator shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was

CODE OF ETHICS FOR ADMINISTRATORS (exhibit continued)

given or offered for the purpose of influencing him/her directly or indirectly, in the discharge of his/her official duties.

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

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

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

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

Each administrator shall annually, in accordance with law, file with the New Jersey Commissioner of Education, a report regarding potential conflicts of interest and with the School Ethics Commission, a financial disclosure statement.

The school system shall operate under a unit control system headed by the superintendent.

The superintendent shall be responsible for all programs provided by the district, both educational and operational.

Adopted:	June 12, 2002, March 28, 2007, July 11, 2018
NJSBA Review/Update:	March 2022
Readopted:	September 14, 2022

Policy

ADMINISTRATIVE EMPLOYMENT CONTRACTS

The executive county superintendent shall review and approve for all superintendents and school business administrators in school districts within the county under the supervision of the executive county superintendent:

- A. New employment contracts, including contracts that replace expired contracts for existing tenured and non-tenured employees;
- B. Renegotiations, extensions, amendments, or other alterations of the terms of existing employment contracts that have been previously approved by the executive county superintendent; and
- C. Provisions for contract extensions where such terms were not included in the original employment contract or are different from the provisions contained in the original approved employment contract.

In counties where there is no executive county superintendent or acting executive county superintendent, the assistant commissioner for field services shall review and approve all above contracts.

The contract review and approval shall take place prior to any required public notice and hearing pursuant to N.J.S.A. 18A:11-11 and prior to the board approval and execution of those contracts to ensure compliance with all applicable laws, including but not limited to N.J.S.A. 18A:30-3.5, 18A:30-9, 18A:17-15.1 and 18A:11-12.

Although the public notice and public hearing requirements of N.J.S.A. 18A:11-11 do not apply to new contracts and contracts that replace expired contracts for existing employees in one of these positions, whether tenured or not tenured, the board may issue a public notice and/or hold a public hearing on new contracts, including new contracts that replace expired contracts for existing tenured and non-tenured employees.

In connection with the executive county superintendent's review of the contract, the board shall provide the executive county superintendent with a detailed statement setting forth the total cost of the contract for each applicable year, including salary, longevity (if applicable), benefits and all other emoluments.

Review and Approval

The review and approval shall be consistent with the following additional standards:

- A. Contracts for each class of administrative position shall be comparable with the salary, benefits and other emoluments contained in the contracts of similarly credentialed and experienced administrators in other school districts in the region with similar enrollment, academic achievement levels and challenges, and grade span;
- B. No contract shall include provisions that are inconsistent with the travel requirements pursuant to N.J.S.A. 18A:11-12 including, but not limited to, the provisions for mileage reimbursement and reimbursement for meals and lodging in New Jersey. Any contractual provision that is inconsistent with law is superseded by the law;
- C. No contract shall include provisions for the reimbursement or payment of employee contributions that are either required by law or by a contract in effect in the district with other teaching staff members,

ADMINISTRATIVE EMPLOYMENT CONTRACTS (continued)

such as payment of the employee's State or federal taxes, or of the employee's contributions to FICA, Medicare, State pensions and annuities (TPAF), life insurance, disability insurance (if offered), and health benefit costs;

- D. No contract shall contain a payment as a condition of separation from service that is deemed by the executive county superintendent to be prohibited or excessive in nature. The payment cannot exceed the lesser of the calculation of three months' pay for every year remaining on the contract with pro-rata for partial years, not to exceed twelve months, or the remaining salary amount due under the contract;
- E. No contract shall include benefits that supplement or duplicate benefits that are otherwise available to the employee by operation of law, an existing group plan, or other means; e.g., an annuity or life insurance plan that supplements or duplicates a plan already made available to the employee. Notwithstanding the provisions of this section, a contract may contain an annuity where those benefits are already contained in the existing contract between the employee and the district;
- F. Contractual provisions regarding accumulation of sick leave and supplemental compensation for accumulated sick leave shall be consistent with N.J.S.A. 18A:30-3.5. Supplemental payment for accumulated sick leave shall be payable only at the time of retirement and shall not be paid to the individual's estate or beneficiaries in the event of the individual's death prior to retirement. Pursuant to N.J.S.A. 18A:30-3.2, a new board of education contract may include credit of unused sick leave in accordance with the new board of education's policy on sick leave credit for all employees;
- G. Contractual provisions regarding accumulation of unused vacation leave and supplemental compensation for accumulated unused vacation leave shall be consistent with N.J.S.A. 18A:30-9. Contractual provisions for payments of accumulated vacation leave prior to separation can be included but only for leave accumulated prior to June 8, 2007 and remaining unused at the time of payment. Supplemental payments for unused vacation leave accrued consistent with the provisions of N.J.S.A. 18A:30-9 after June 8, 2007 as well as unused vacation leave accumulated prior to June 8, 2007 that has not been paid, shall be payable at the time of separation and may be paid to the individual's estate or beneficiaries in the event of the individual's death prior to separation;
- H. Contractual provisions that include a calculation of per diem for twelve month employees shall be based on a two hundred sixty day work year;
- I. No provision for a bonus shall be made except where payment is contingent upon achievement of measurable specific performance objectives expressly contained in a contract approved pursuant to N.J.A.C. 6A:23A-3.1, where compensation is deemed reasonable relative to the established performance objectives, and achievement of the performance objectives has been documented to the satisfaction of the board of education;
- J. No provision for payment at the time of separation or retirement shall be made for work not performed except as otherwise authorized above;
- K. No contract shall include a provision for a monthly allowance except for a reasonable car allowance. A reasonable car allowance cannot exceed the monthly cost of the average monthly miles traveled for business purposes multiplied by the allowable mileage reimbursement pursuant to applicable law and regulation and NJOMB circulars. If such allowance is included, the employee cannot be reimbursed for business travel mileage nor assigned permanently a car for official district business. Any provision of a car for official district business must conform with N.J.A.C. 6A:23A-6.12 and be supported by detailed justification. No contract can include a provision of a dedicated driver or chauffeur;
- L. All superintendent contracts shall include the required provision pursuant to N.J.S.A. 18A:17-51 which states that in the event the superintendent's certificate is revoked, the contract is null and void.

ADMINISTRATIVE EMPLOYMENT CONTRACTS (continued)

Any actions by the executive county superintendent undertaken pursuant to N.J.A.C. 6A:23A-2.1 and this policy may be appealed to the commissioner of education pursuant to the procedures set forth at N.J.A.C. 6A:3.

Adopted: December 16, 2008, July 11, 2018
 NJSBA Review/Update: February 2022
 Readopted: September 14, 2022

Key Words

Contract, Employment Contract, Administrator Salary, Administrator Benefits

<u>Legal References:</u>	<u>N.J.S.A. 18A:11-11</u>	Notice of proposed contract term changed for certain school officials; time for notice; hearing
	<u>N.J.S.A. 18A:11-12</u>	Travel and expenditures; definitions; policies and procedures; application to charter schools
	<u>N.J.S.A. 18A:17-15.1</u>	Revocation of certificate of the superintendent
	<u>N.J.S.A. 18A:17-51</u>	Building and grounds supervisor; certification as educational facilities manager
	<u>N.J.S.A. 18A:30-3.2</u>	Credit with unused sick leave
	<u>N.J.S.A. 18A:30-3.5</u>	Restrictions on payment of supplemental compensation for accumulated unused sick leave; exceptions
	<u>N.J.S.A. 18A:30-9</u>	Cap on accrued vacation time allowed; carry-over in certain circumstances
	<u>N.J.A.C. 6A:3</u>	Controversies and disputes
	<u>N.J.A.C. 6A:23A-2.1</u>	Executive county superintendent of schools
	<u>N.J.A.C. 6A:23A-3.1</u>	Administrator and board member accountability
	<u>N.J.A.C. 6A:23A-6.12</u>	District vehicle assignment and use policy

Possible

<u>Cross References:</u>	*2000/2010	Concepts and roles in administration; goals and objectives
	*2121	Line of responsibility
	*2131	Superintendent
	*4111	Recruitment, selection and hiring
	*4211	Recruitment, selection and hiring
	*9000	Role of the board

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 2210

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

ADMINISTRATIVE LEEWAY IN ABSENCE OF BOARD POLICY

In cases where immediate action must be taken within the school system when the Salem City Board of Education has provided no guidelines for administrative action, the superintendent shall have the power to act, but his/her decisions shall be subject to review by the board at its next regular meeting.

It shall be the duty of the superintendent to inform the board promptly of such action and of the need for policy.

Adopted: March 28, 2007, July 11, 2018

NJSBA Review/Update: February 2022

Readopted: September 14, 2022

Key Words

Administrative Leeway in Absence of Board Policy, Absence of Board Policy

Legal References: N.J.S.A. 18A:11- 1 General mandatory powers and duties
N.J.S.A. 18A:17-20 Tenured and non-tenured superintendents; general powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *3516 Safety
4135.16/4235.16 Work stoppages/strikes
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*5141.1 Accidents
*5141.2 Illness
*6114 Emergencies and disaster preparedness
*9311 Formulation, adoption, amendment of policies
*9313 Formulation, adoption, amendment of administrative regulations

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

State and federal statutes and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, pregnancy in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

The Salem City Board of Education will continue to support its Affirmative Action Resolution, and to implement the district's equal educational opportunity policy, school and classroom practices plan and contract/employment practices plan in accordance with law and regulation.

The board authorizes the superintendent of schools to develop and implement a three-year comprehensive equity plan to ensure that the district provides equality in educational programs and to identify and correct, or assess and prevent, all bias, discrimination and impermissible isolation in policies, practices and facilities of the district. Upon approval of this plan by the state department of education, the board shall adopt it by resolution. The superintendent shall report to the board annually on progress toward goals established in the plan. A copy of the district's affirmative action/equity plans and self-evaluation of their achievement shall be available in the district office.

Affirmative Action Officer(s) and Team

The board shall annually designate a member of the staff as the affirmative action officer and form an affirmative action team, of whom the affirmative action officer is a member. The affirmative action officer shall serve as affirmative action/504 officer and/or desegregation coordinator. The affirmative action officer must have New Jersey certification with an administrative, instructional, or education services endorsement.

The affirmative action officer shall:

- A. Coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all students and employees of district grievance procedures for handling discrimination complaints; and
- C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed.

The name, work location and telephone number of the district affirmative action officer(s) shall annually be made known to staff, pupils and members of the community.

The affirmative action team shall:

- A. Develop the comprehensive equity plan in compliance with administrative code;
- B. Oversee the implementation of the district's comprehensive equity plan;
- C. Collaborate with the affirmative action office in coordinating the required professional development training;

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- D. Monitor the implementation of the comprehensive equity plan; and
- E. Conduct the annual district internal monitoring to ensure continuing compliance with state and federal law and code governing educational equity.

Comprehensive Equity Plan

The board directs the affirmative action team to develop a comprehensive equity plan once every three years. The comprehensive equity plan shall identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.

Prior to developing the comprehensive equity plan, the district's needs for achieving equity and equality in educational programs shall be assessed. The purpose of the needs assessment is to identify and eliminate discriminatory practices and other barriers to achieving equity in educational programs.

- A. The needs assessment shall include an analysis of:
 - 1. Student performance data such as National Assessment of Educational Progress and State assessment results;
 - 2. Preschool through grade 12 promotion/retention data;
 - 3. Preschool through grade 12 completion rates;
 - 4. Re-examination and re-evaluation of classification and placement of students in special education programs if there is over representation within certain groups;
 - 5. Staffing practices;
 - 6. Student demographic and behavioral data;
 - 7. Quality of program data; and
 - 8. Stakeholder satisfaction data.
- B. The comprehensive equity plan shall address:
 - 1. Professional development;
 - 2. Equality in school and classroom practices;
 - 3. Equality in employment and contract practices.
- C. The comprehensive equity plan shall include:
 - 1. An assessment of the school district's needs for achieving equity in educational programs. The assessment shall include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment and behavioral data disaggregated by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspension, expulsion, child study team referrals, preschool through grade 12 promotion/retention data, preschool through grade 12 completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within certain group;
 - 2. A description of how other Federal, State, and school district policies, programs, and practices are aligned to the comprehensive equity plan;
 - 3. Progress targets for closing the achievement gap;
 - 4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the New Jersey Student Learning Standards, differentiated instruction, and formative assessments aligned to the New Jersey Student Learning Standards and high expectations for teaching and learning; and
 - 5. Annual targets that address school district needs in equity in school and classroom practices and are aligned to professional development targets.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

The comprehensive equity plan shall include goals, objectives, timelines, and benchmarks for measuring progress. The board shall submit the comprehensive equity plan to the executive county superintendent for approval and a copy of the comprehensive equity plan to the New Jersey Department of Education. The board shall initiate the comprehensive equity plan within 60 days of its approval, and shall implement the plan in accordance with the timelines approved by the Department.

Harassment

The Salem City Board of Education shall maintain an instructional and working environment that is free from harassment of any kind. Administrators and supervisors will make it clear to all staff, students and vendors that harassment is prohibited. Sexual harassment shall be specifically addressed in the affirmative action inservice programs required by law for all staff.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment or education;
- B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the Salem City schools. Harassment by board members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or building principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the superintendent or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or students may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination or harassment will result in appropriate disciplinary action.

School and Classroom Practices

- A. In implementing affirmative action, the district shall:
 - 1. Identify and correct the denial of equality of educational opportunities for students solely on the basis of any classification protected by law;
 - 2. Continually reexamine and modify, as may be necessary, its school and classroom programs; location and use of facilities; its curriculum development program and its instructional materials;

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

availability of programs for children; and equal access of all eligible students to all extracurricular programs.

- B. The board shall provide all students with equal and bias-free access to all school facilities, courses, programs, activities, and services, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, by:
1. Ensuring equal and barrier-free access to all school and classroom facilities;
 2. Attaining within each school minority representation that approximates the school district's overall minority representation. Exact apportionment is not required; the ultimate goal is a reasonable plan achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;
 3. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
 4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
 5. Ensuring support services, including intervention and referral services and school health services; and
 6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty.

These topics are included in the student and instruction policies of the district at 5145.4 Equal Educational Opportunity, 6121 Nondiscrimination/Affirmative Action, and 6145 Extracurricular Activities.

Contract/Employment Practices

The district directs the superintendent to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and students;
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

These topics are included in the business and noninstructional operations, and the personnel policies of the district at 3320 Purchasing Procedures, 3327 Relations with Vendors, 4111.1 and 4211.1 Nondiscrimination/Affirmative Action.

Disabled

In addition to prohibiting educational and employment decisions based on nonapplicable disabling condition, the district shall, as much as feasible, make facilities accessible to disabled students, employees and members of the community as intended by Section 504 and as specified in the administrative code.

Report on Implementation

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

The superintendent shall devise regulations, including grievance forms and procedures to implement the district's affirmative action policies. He/she shall report to the board annually on the effectiveness of this policy and the implementing procedures.

Adopted: June 12, 2002, March 28, 2007, June 11, 2014, July 11, 2018
 NJSBA Review/Update: February 2022
 Readopted: September 14, 2022

Key Words

Affirmative Action, Discrimination, Americans With Disabilities Act, Access, Nondiscrimination, Sexual Harassment, Harassment, Equal Educational Opportunity, Domestic Partnership Act

Legal References: N.J.S.A. 2C:16-1 Bias intimidation
N.J.S.A. 2C:33-4 Harassment
N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:26-1 Citizenship of teachers, etc.
N.J.S.A. 18A:26-1.1 Residence requirements prohibited
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
N.J.S.A. 18A:35-1 et seq. Curriculum and courses
N.J.S.A. 18A:37-14 Harassment, intimidation, and bullying defined;
 through -19 definitions
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:38-5.1 Attendance at school
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act
N.J.A.C. 5:23-1 et seq. Uniform construction code
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,
 -1.5, -1.6, -1.7, -1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

New Jersey State Constitution, Article I, Paragraph 5 Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000 et seq. Executive Order 11246 as amended

29 U.S.C.A. 201 § 206 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Vinson v. Superior Court of Alameda County, 740 P. 2d 404 (Cal. Sup. Ct. 1987)

State v. Mortimer, 135 N.J. 517 (1994)

Taxman v. Piscataway Bd. of Ed. 91 F. 3d 1547 (3d Cir. 1996)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

Comprehensive Equity Plan, New Jersey Department of Education

International Building Code 2015, New Jersey Edition; First Printing: September 2015; ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.

Possible**Cross References:**

*3320	Purchasing procedures
*4111	Recruitment, selection and hiring
*4111.1/4211.1	Nondiscrimination/affirmative action
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4211	Recruitment, selection and hiring
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6145	Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

TITLE IX – SEX-BASED DISCRIMINATION

State and federal statutes and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, pregnancy in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

Title IX Coordinator, Grievance Procedures and Notifications

The board in consultation with the superintendent shall appoint at least one employee to coordinate its efforts to comply with its responsibilities under Title IX. The appointed employee shall be referred to as the "Title IX Coordinator."

The superintendent or his or her designee shall notify applicants for employment, students, applicants to charter schools and other public schools accepting applications for attendance (i.e. vocational schools and specialty high schools), parents/guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator pursuant to this paragraph.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

The contact information required to be listed for the Title IX Coordinator and this board policy shall be prominently display on the district website and in the parent/student handbook, the employee handbooks and catalogs published by the district. The board shall not use or distribute any publication stating that the board treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX and its related regulations.

The superintendent or his or her designee shall notify applicants for employment, students, parents/guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district:

- A. Of this policy and the grievance procedures and grievance process; and
- B. That the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and its related regulations not to discriminate in such a manner. Such notification shall state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education (referred to as the "Assistant Secretary"), or both.

TITLE IX – SEX BASED DISCRIMINATION (continued)

The Title IX coordinator with the superintendent shall develop and the board shall adopt grievance procedures. The grievance procedures shall be published with the policy and shall provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and its related regulations, and a grievance process for formal complaints.

The superintendent or his or her designee shall notify applicants for employment, students, applicants to charter schools and other public schools accepting applications for attendance (i.e. vocational schools and specialty high schools), parents/guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, of the grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond. This shall only apply to sex discrimination occurring against a person in the United States.

The Title IX coordinator(s) shall be responsible for coordinating the district's efforts to comply with its responsibilities under this part, which includes, but may not be limited to, the implementation of the grievance procedures, this policy and accompanying regulations for complying with Title IX. The superintendent or his or her designee shall notify all its applicants for admission and employment, students, parents/guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the name or title, office address electronic mail address, and telephone number of the employee or employees appointed to coordinate the implementation of this policy and accompanying regulations.

General

The Salem City Board of Education is committed to ensuring that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district, including but not limited to:

- A. Education programs or activities;
- B. Comparable facilities;
- C. Access to classes and schools;
- D. Classes and extracurricular activities;
- E. Schools;
- F. Access to institutions of vocational education;
- G. Counseling and use of appraisal and counseling materials;
- H. Financial assistance;
- I. Employment assistance to students;
- J. Health and insurance benefits and services;
- K. Athletics (any interscholastic, club or intramural athletics offered by the district, and the district shall not provide any such athletics separately on the basis of sex).

Nothing in this board policy and regulation and Title IX shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

Education Programs or Activities – Specific Prohibitions

TITLE IX – SEX BASED DISCRIMINATION (continued)

The Salem City Board of Education is committed to ensuring that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district.

In providing any aid, benefit, or service to a student, the school community including but not limited to district employees, officers, volunteers, students or contracted service provider, shall not, on the basis of sex:

- A. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- B. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- C. Deny any person any such aid, benefit, or service;
- D. Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- E. Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- F. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- G. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Comparable Facilities

The district may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

Access to Classes and Schools

Except as may be permitted by Title IX and its related regulations, the district shall not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse to let a student participate on the basis of sex including:

- A. Contact sports in physical education classes

Students may be separated by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

- B. Ability grouping in physical education classes

Students may be separated in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

If use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, the recipient shall use appropriate standards that do not have that effect.

- C. Human sexuality classes

Classes or portions of classes at the elementary and secondary level that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

TITLE IX – SEX BASED DISCRIMINATION (continued)

D. Choruses

The superintendent or his or her designee may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

Classes and Extracurricular Activities

A. A nonvocational district may provide nonvocational single-sex classes or extracurricular activities, if:

1. Each single-sex class or extracurricular activity is based on the district's important objective:
 - a. To improve the educational achievement of its students by providing diverse educational opportunities. The board may approve each single-sex class or extracurricular activity only when the superintendent has demonstrated that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective; or
 - b. To meet the particular, identified educational needs of its students, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective;
2. The objective is implemented in an evenhanded manner;
3. The student enrollment in a single-sex class or extracurricular activity is completely voluntary; and
4. The district provides to all other students, including students of the excluded sex, a substantially equal coeducational class or extracurricular activity in the same subject or activity.

B. Single-sex class or extracurricular activity for the excluded sex

The district, when providing a single-sex class or extracurricular activity, may be required in compliance with law to provide a substantially equal single-sex class or extracurricular activity for students of the excluded sex.

C. Substantially equal factors

Factors the United States Department of Education will consider, either individually or in the aggregate as appropriate, in determining whether classes or extracurricular activities are substantially equal include, but are not limited to, the following: the policies and criteria of admission, the educational benefits provided, including the quality, range, and content of curriculum and other services and the quality and availability of books, instructional materials, and technology, the qualifications of faculty and staff, geographic accessibility, the quality, accessibility, and availability of facilities and resources provided to the class, and intangible features, such as reputation of faculty.

D. Periodic evaluations.

The superintendent or his/her/their designee shall conduct periodic evaluations to ensure that single-sex classes or extracurricular activities are based upon genuine justifications and do not rely on overly broad generalizations about the different talents, capacities, or preferences of either sex and that any single-sex classes or extracurricular activities are substantially related to the achievement of the important objective for the classes or extracurricular activities. Evaluations shall be conducted at least every two years.

E. Scope of coverage

The provisions of section, "Classes and Extracurricular Activities" (A through D) apply to classes and extracurricular activities provided by the district directly or through another entity. The provisions of this section, "Classes and Extracurricular Activities" (A through D), do not apply to interscholastic, club, or intramural athletics.

Schools

A. Definition

TITLE IX – SEX BASED DISCRIMINATION (continued)

For the purposes of this section, the term "school" includes a "school within a school," which means an administratively separate school located within another school.

- B. As a general standard, a recipient that operates a public nonvocational elementary or secondary school that excludes any students from admission, on the basis of sex, must provide students of the excluded sex a substantially equal single-sex school or coeducational school;
- C. A nonvocational public charter school that is a single-school local educational agency may be operated as a single-sex charter school without regard to the general standard requirements of this section;
- D. Substantially equal factors

Factors the United States Department of Education will consider, either individually or in the aggregate as appropriate, in determining whether schools are substantially equal include, but are not limited to, the following: The policies and criteria of admission, the educational benefits provided, including the quality, range, and content of curriculum and other services and the quality and availability of books, instructional materials, and technology, the quality and range of extracurricular offerings, the qualifications of faculty and staff, geographic accessibility, the quality, accessibility, and availability of facilities and resources, and intangible features, such as reputation of faculty.

Access to Institutions of Vocational Education

The district shall not, on the basis of sex, exclude any person from admission to any institution of vocational education operated by the district.

Counseling

The district shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.

The district shall not use different testing or other materials for appraising or counseling students on the basis of their sex or use materials which permit or require different treatment of students on the basis of sex unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. The superintendent or his or her designee shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex.

Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the district shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.

When the district finds that a particular class contains a substantially disproportionate number of individuals of one sex, the district shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

Financial Assistance

- A. Except as provided in paragraphs (B) and (C) of this section, in providing financial assistance to any of its students, a district shall not:
 - 1. On the basis of sex, provide different amount or types of financial assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate;
 - 2. Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of the district students in a manner which discriminates on the basis of sex; or

TITLE IX – SEX BASED DISCRIMINATION (continued)

3. Apply any rule or assist in application of any rule concerning eligibility for such assistance, which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.
4. Financial aid established by certain legal instruments.

B. When financial aid is established by certain legal instruments:

1. The district may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; provided, that the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex;
2. To ensure nondiscriminatory awards of assistance as required in paragraph (B)(1) of this section, the district shall develop and use procedures under which:
 - a. Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;
 - b. An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under paragraph (B)(2)(a) of this section; and
 - c. No student is denied the award for which he or she was selected under paragraph (B)(2)(a) of this section because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

C. Athletic scholarships

1. To the extent that the district awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic athletics;
2. Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex as permitted by law.

Marital or Parental Status and Pregnancy

The district shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

- A. The district shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient;
- B. The district may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician;
- C. The district may operate a portion of its education program or activity separately for pregnant students. Admittance to this separate program shall be completely voluntary on the part of the student as provided and the district shall ensure that the separate portion is comparable to that offered to non-pregnant students;
- D. The district shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which the district administers, operates, offers, or participates in with respect to students admitted to the district educational programs or activities;

TITLE IX – SEX BASED DISCRIMINATION (continued)

- E. The district shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician. At the conclusion of the leave, the student shall be reinstated to the status which she held when the leave began.

Sexual HarassmentDefinitions

"Education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in § 106.8(a).

"Exculpatory evidence" means evidence tending to exonerate the accused or helps to establish their innocence.

"Inculpatory" evidence means evidence tending to incriminate the accused or indicate their guilt.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

"Retaliation" shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its related regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its related regulations. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation. The following actions shall not constitute retaliation:

- A. An individual exercising free speech under the rights protected by the First Amendment;
- B. Charging an individual under the district's code of conduct for making a materially false statement in bad faith in the course of a grievance proceeding under this policy. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

"Supportive measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the

TITLE IX – SEX BASED DISCRIMINATION (continued)

other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but shall not be limited to:

- A. Counseling;
- B. Extensions of deadlines or other course-related adjustments;
- C. Modifications of work or class schedules;
- D. Campus escort services;
- E. Mutual restrictions on contact between the parties;
- F. Changes in work locations or school of attendance;
- G. Leaves of absence;
- H. Increased security;
- I. Monitoring of certain areas of the campus;
- J. Referral to domestic violence or rape crisis programs; and
- K. Referral to community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an individualized education program (IEP) or Section 504 service agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations and board policy 6171.4 Special Education.

"Title IX sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct;
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity;
- C. Sexual assault, dating violence, domestic violence or stalking:
 - 1. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
 - a. Length of relationship;
 - b. Type of relationship;
 - c. Frequency of interaction between the persons involved in the relationship.
 - 2. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;
 - 3. Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

TITLE IX – SEX BASED DISCRIMINATION (continued)

4. Stalking under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - a. Fear for their safety or the safety of others; or
 - b. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs.

Response to Sexual Harassment

A. General

Any person with actual knowledge of sexual harassment in an education program or activity of this district against a person in the United States, shall respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The Title IX Coordinator shall treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance process (see 2224.1 Regulation) before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in this policy against a respondent. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

In responding to allegations of harassment, the district's response must not be deliberately indifferent to the allegations. Moreover, the response may not infringe on any Constitutional rights protected under the First, Fifth, or Fourteenth Amendments. Responses that do infringe Constitutional rights may themselves be deemed deliberately indifferent.

B. Response to a formal complaint:

In response to a formal complaint, the district shall follow the grievance process (see 2224.1 Regulation). With or without a formal complaint, the district shall respond promptly in a manner that is not deliberately indifferent and according to all the provisions listed under (A) General above.

C. Emergency removal

1. The district may remove a respondent from the education program or activity on an emergency basis, provided an individualized safety and risk analysis has been conducted, and it is determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal;
2. The respondent shall be notified and given an opportunity to challenge the decision immediately following the removal;
3. The rights of persons under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act shall be observed in accordance with the aforementioned Acts.

D. Administrative leave:

The district may place a non-student employee respondent on administrative leave during the pendency of a grievance process. The rights of a non-student employee respondent under the Individuals with

TITLE IX – SEX BASED DISCRIMINATION (continued)

Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act shall be observed in accordance with the aforementioned Acts.

Grievance Process for Formal Complaints of Sexual Harassment.

For the purpose of addressing formal complaints of sexual harassment, the district's grievance process must comply with the requirements of law as follows. Any provisions, rules, or practices other than those required by the federal regulations under Title IX (see 34 CFR § 106.45) adopted by the board as part of its grievance process for handling formal complaints of sexual harassment shall apply equally to both parties. The board requires that:

- A. The Title IX Coordinator shall treat complainants and respondents equitably:
 1. By providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and
 2. By following the grievance process (see 2224.1 Regulation) before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in this policy against a respondent.
 3. Remedies shall be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described in law (see 34 CFR § 106.30) and district procedures 2224.1 Title IX – Sexual Harassment, Grievance, Regulation grievance as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;
- B. An objective evaluation of all relevant evidence be conducted including both inculpatory and exculpatory evidence, and provides that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
- C. Any individual designated by the board as a Title IX Coordinator, investigator, decision-maker, or any person designated by the board or the superintendent to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- D. The Title IX coordinators, investigators, decision-makers, and any designated person who facilitates an informal resolution process, shall receive training. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any designated person who facilitates an informal resolution process shall not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. Training shall be provided on:
 1. The definition of sexual harassment (see 34 CFR § 106.30);
 2. The scope of the district's education program or activity;
 3. How to conduct an investigation: and
 4. The grievance process including hearings, appeals, and informal resolution processes, as applicable; and
 5. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
 6. Technology to be used at a live hearing;
 7. Issues related to the relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant;
 8. Issues of relevance to create an investigative report that fairly summarizes relevant evidence;
- E. The grievance process shall include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- F. The grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes, and a process that allows for the

TITLE IX – SEX BASED DISCRIMINATION (continued)

temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

- G. The grievance process shall include the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;
- H. The standard of evidence that shall be used to determine responsibility is the preponderance of the evidence standard. The standard of evidence shall apply the same for formal complaints against students as for formal complaints against employees, including faculty, and the same standard of evidence shall apply to all formal complaints of sexual harassment;
- I. Procedures and permissible bases for the complainant and respondent to appeal the determination shall be detailed in the grievance procedures;
- J. The grievance process shall include the range of supportive measures available to complainants and respondents; and
- K. The Title IX coordinator shall ensure that the grievance process will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Notice of Allegations

Upon receipt of a formal complaint, Title IX coordinator shall provide the following written notice to the parties who are known:

- A. Notice of the grievance process, including any informal resolution process;
- B. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in law (§ 106.30) and this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
 - 1. Sufficient details include:
 - a. The identities of the parties involved in the incident, if known;
 - b. The conduct allegedly constituting sexual harassment under law (34 CFR § 106.30); and
 - c. The date and location of the alleged incident, if known;
 - 2. The written notice shall include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility shall be made at the conclusion of the grievance process;
 - 3. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
 - 4. The written notice must inform the parties of any provision in the code of student conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- C. If, in the course of an investigation, the Title IX coordinator or his or her designee decides to investigate allegations about the complainant or respondent that are not included in the notice provided as described above, notice of the additional allegations to the parties whose identities are known shall be provided.

Dismissal of a Formal Complaint

The allegations in a formal complaint shall be investigated. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in law (34 CFR § 106.30) even if proved, did not occur

TITLE IX – SEX BASED DISCRIMINATION (continued)

in the district's education program or activity, or did not occur against a person in the United States, then the district shall dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX, including related regulations. This dismissal does not preclude action under another provision of the code of student conduct for behavioral infractions that violate policy.

- A. The formal complaint or any allegations therein may be dismissed, if at any time during the investigation or hearing:
 - 1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - 2. The respondent is no longer enrolled in the district or employed by the recipient; or
 - 3. Specific circumstances prevent gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein;
- B. Upon a dismissal required or permitted, the Title IX coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

- A. Formal complaints as to allegations of sexual harassment may be consolidated where the allegations of sexual harassment arise out of the same facts or circumstances. Formal complaints that may be consolidated where the allegations of sexual harassment arise out of the same facts or circumstances are:
 - 1. Against more than one respondent; or
 - 2. By more than one complainant against one or more respondents; or
 - 3. By one party against the other party.
- B. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the following requirements shall be implemented:

- A. The Title IX coordinator shall ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest on the district and not on the parties. Records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, shall not be accessed, considered, disclosed, or otherwise used without that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," as defined in [34 CFR § 99.3](#), then the recipient must obtain the voluntary, written consent of a "parent," as defined in [34 CFR § 99.3](#));
- B. An equal opportunity for the parties to present witnesses shall be provided, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- C. The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence shall not be restricted;
- D. The parties shall be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.

TITLE IX – SEX BASED DISCRIMINATION (continued)

The district may, however, establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

- E. A party whose participation is invited or expected shall be provided written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings. This notice shall be provided with sufficient time for the party to prepare to participate;
- F. Both parties shall be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the Title IX coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- G. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (when provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Hearings.

Elementary and secondary school districts may, but need not, provide for a hearing as part of the grievance process, though a hearing may be required under another federal or state law, other than Title IX, that may apply based on the nature of the specific allegations.

- A. With or without a hearing, after the investigative report has been sent to the parties and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party:
 - 1. The opportunity to submit written, relevant questions that a party wants asked of any party or witness;
 - 2. Provide each party with the answers; and
 - 3. Allow for additional, limited follow-up questions from each party.
- B. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

In the case of allegations of sexual harassment against employees, that are subject to criminal investigations district hearing proceedings may need to be delayed in order to protect the accused's 5th Amendment rights.

Determination Regarding Responsibility

- A. The decision-maker(s), who cannot be the same person(s) as the Title IX coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence the preponderance of the evidence standard. The standard of evidence shall apply the same for formal complaints against students as for formal complaints against employees, including faculty, and the same standard of evidence shall apply to all formal complaints of sexual harassment:

TITLE IX – SEX BASED DISCRIMINATION (continued)

B. The written determination shall include:

1. Identification of the allegations potentially constituting sexual harassment as defined in law (§ 106.30) and this policy;
2. A description of the procedural steps taken from the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district code of student conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the district to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal the determination.

C. The written determination shall be provided to the parties simultaneously. The determination regarding responsibility becomes final either:

1. On the date that the with the written determination of the result of the appeal is provided, if an appeal is filed; or
2. If an appeal is not filed, the date on which an appeal would no longer be considered timely.

D. The Title IX Coordinator shall be responsible for effective implementation of any remedies.

Appeals

The district shall offer both parties an appeal from a determination regarding responsibility, and from a dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter:

The district may offer an appeal equally to both parties on additional bases. As to all appeals, the recipient must:

- A. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- B. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX coordinator;
- C. Ensure that the decision-maker(s) for the appeal complies with the standards in the section of this policy entitled, "Grievance Process for Formal Complaints of Sexual Harassment" (see C-D just above), regarding conflict of interest and training;
- D. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- E. Issue a written decision describing the result of the appeal and the rationale for the result; and

TITLE IX – SEX BASED DISCRIMINATION (continued)

F. Provide the written decision simultaneously to both parties.

Informal Resolution

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with law and this policy. Similarly, the district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, an informal resolution process may be facilitated by the district, such as mediation, that does not involve a full investigation and adjudication provided that the district:

A. Provides to the parties a written notice disclosing:

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

B. Obtains the parties' voluntary, written consent to the informal resolution process; and

C. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Recordkeeping.

The district shall maintain for a period of seven years records of:

- A. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The district shall make these training materials publicly available on its website (or if the district does not maintain a website these materials shall be available upon request for inspection by members of the public.);

The district shall create for each response required under the section of this policy entitled, "Response to Sexual Harassment" (see A-D, page 9 of this policy), and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the superintendent or his or her designee shall document the basis for the conclusion that the response was not deliberately indifferent, and that the district has taken measures designed to restore or preserve equal access to the district education program or activity. If the complainant is not provided with supportive measures, then the district shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

TITLE IX – SEX BASED DISCRIMINATION (continued)Retaliation

Retaliation is prohibited. No district employee, officer, or student, or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX and its related regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its related regulations, constitutes retaliation. The district shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of this policy and 34 CFR part 106 (the Title IX regulations), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination as described above.

Dissemination of Policy

The superintendent or his or her designee must notify applicants for admission and employment, students, parents/guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district that the district does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by Title IX and its related regulations not to discriminate in such a manner.

A. The notification shall state at least:

1. That the requirement not to discriminate in the education program or activity extends to employment in the district, and to admission in the district (where applicable); and
2. That inquiries concerning the application of Title IX and its related regulations may be referred to the employee designated as the Title IX Coordinator or to the Assistant Secretary.

B. Publications:

1. The district shall prominently display the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the district's Title IX coordinator, as well as the Title IX policy as described in this section ("Dissemination of Policy") on the district's website, if any, and in each handbook or catalog that it makes available to applicants for admission and employment, students, parents/guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district;
2. The district shall not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX;
3. As described in the above section, "Title IX Coordinator, Grievance Procedures and Notifications." the district must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by the Title IX regulations and a grievance process for formal complaints as previously described in this policy. The district must provide applicants for admission and employment, students, parents/guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district with notice of the district's grievance procedures and grievance process, including how to report or file a formal complaint of sexual harassment, and how the district will respond. The requirements of this paragraph only apply to sex discrimination occurring against a person in the United States.

TITLE IX – SEX BASED DISCRIMINATION (continued)

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Key Words

Sexual Harassment, Title IX, Title IX Coordinator, Grievance Procedures, Grievance Process, Access, Nondiscrimination, Harassment, Equal Educational Opportunity, Equal Employment Opportunity,

Legal References: N.J.S.A. 2C:16-1 Bias intimidation
N.J.S.A. 2C:33-4 Harassment
N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
N.J.S.A. 18A: 34:6B-20 Unlawful employment practice related to salary history; exceptions
N.J.S.A. 18A:35-1 et seq. Curriculum and courses
N.J.S.A. 18A:36-41 Development, distribution of guidelines concerning transgender students
N.J.S.A. 18A:37-14 Harassment, intimidation, and bullying defined; through -19 definitions
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:38-5.1 Attendance at school
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.7, -1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

United States Constitution, Article XIV, Section 1.

New Jersey State Constitution, Article I, Paragraph 1

Executive Order 11246 as amended

29 U.S.C.A. § 201 et seq., see particularly § 206 - Fair Labor Standards Act of 1963 as amended

20 U.S.C.A. § 1681 et seq. - Title IX of the Education Amendments of 1972

42 U.S.C.A. § 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

34 CFR 106.1 et seq. – Title IX regulations

Cannon v. Univ. of Chicago, 441 U.S. 677 (1979)

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Franklin v. Ginnett County Public Schools, 503 U.S. 60 (1992)

State v. Mortimer, 135 N.J. 517 (1994)

Gebser v. Lago Vista Indep. School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

TITLE IX – SEX BASED DISCRIMINATION (continued)

Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005)

Saxe v. State College Area School District, 240 F. 3d 200 (3d Cir. 2001)

Bostic v. Smyrna School District, 418 F. 3d 355 (3d Cir. 2005)

Doe v. Boyertown Area Sch. Dist., 897 F.3d 518 (3d Cir. 2018)

M.S. v. Susquehanna Twp. School District, 969 F. 3d 120 (3d Cir. 2020)

Peper v. Princeton University Bd. of Trustees, 77 N.J. 55 (1978)

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

Comprehensive Equity Plan, New Jersey Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/Affirmative Action
	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211	Recruitment, selection and hiring
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131	Conduct/discipline
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS

GENERAL STATEMENT

The Title IX sexual harassment procedures and grievance process for complaints prescribed in this regulation apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)

All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in policy 2224 Nondiscrimination/Affirmative Action.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none">• General policy procedure oversight within the district• Reporting to the board• Notification of due process and appeal rights as well as name and contact information for Title IX Coordinator
Board of education	<ul style="list-style-type: none">• General oversight of the superintendent• Board hearings in closed session when required by statute, code or policy
Title IX coordinator	<ul style="list-style-type: none">• Oversight of the Title IX policy and procedures: investigation, informal and formal complaint process; supportive measures; required notifications, appeals• Appoints the decision-maker(s)• Appoints the investigator
Investigator	<ul style="list-style-type: none">• Investigates allegations to establish burden of proof
Decision-maker	<ul style="list-style-type: none">• Determines based on the evidence if the allegations qualify as Title IX sexual harassment• Composes the written determination of responsibility and distributes it to the parties within the stated time frame
Director of Special Education	<ul style="list-style-type: none">• Consults with the Title IX coordinator on all cases that involve classified students and students with special education plans, including IEPs and 504 plans

DEFINITIONS

"Education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in § 106.8(a).

“Exculpatory evidence” means evidence tending to exonerate the accused or helps to establish their innocence.

“Inculpatory” evidence means evidence tending to incriminate the accused or indicate their guilt.

“Formal complaint” means a document filed by a complainant or signed by the Title IX coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX coordinator to sign a formal complaint does not make the Title IX coordinator the complainant or other party during the grievance process. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

“Retaliation” shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its regulated regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its related regulations. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.. The following actions shall not constitute retaliation:

- A. An individual exercising free speech under the rights protected by the First Amendment;
- B. The assignment of consequences consistent with board policy and the code of student conduct when an individual makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

“Supportive measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but shall not be limited to:

- A. Counseling;
- B. Extensions of deadlines or other course-related adjustments;
- C. Modifications of work or class schedules;
- D. Campus escort services;
- E. Mutual restrictions on contact between the parties;
- F. Changes in work locations or school of attendance;
- G. Leaves of absence;

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

- H. Increased security;
- I. Monitoring of certain areas of the campus;
- J. Referral to domestic violence or rape crisis programs;
- K. Referral to community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an individualized education program (IEP) or Section 504 service agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations and board policy 6171.4 Special Education.

"Title IX sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct;
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity;
- C. Sexual assault, dating violence, domestic violence or stalking:
 - 1. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
 - a. Length of relationship;
 - b. Type of relationship;
 - c. Frequency of interaction between the persons involved in the relationship.
 - 2. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;
 - 3. Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - 4. Stalking, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - a. Fear for their safety or the safety of others;
 - b. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs.

"Recipient" means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance, including any

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

subunit, successor, assignee, or transferee thereof

Reporting Sexual Harassment

- A. Any person, whether the alleged victim or not, may report Title IX sexual harassment by any of the following:
 1. Using the discrimination/sexual harassment report form; or
 2. Making a general report verbally or in writing to the building principal; or
 3. Making a general report verbally or in writing to a staff member; or
 4. Using the contact information listed for the Title IX coordinator and making a verbal or written report; or
 5. Any other means that results in the Title IX coordinator receiving the person's verbal or written report.
- B. When Title IX sexual harassment is reported to a school staff member, the school staff member shall immediately notify the building principal.
- C. A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX coordinator or employee receiving the report using the discrimination/sexual harassment report form.
- D. The parents/guardians of a student who is the complainant, the respondent, or other individual relating to a complaint, have the right to act on behalf of the student at any time and report Title IX sexual harassment and all other conduct violations on the basis of sex including but not limited to sexual assault, dating violence, domestic violence or stalking.
- E. An adult student who is the complainant, the respondent, or other individual relating to a complaint, shall have the right to act on their own behalf at any time and report Title IX sexual harassment and all other conduct violations on the basis of sex including but not limited to sexual assault, dating violence, domestic violence or stalking.

Initial Investigation

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

- A. All sexual harassment reports and complaints received by the building principal or other school staff member shall be promptly directed to the Title IX coordinator, in accordance with board policy. The Title IX coordinator shall use the report form to gather additional information from the reporter and/or other parties identified in the report. Using the information gathered, the Title IX coordinator shall determine if the allegations meet the definition and parameters for Title IX sexual harassment.
- B. The Title IX coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX coordinator shall consider the complainant's wishes with respect to supportive measures.
- C. The Title IX coordinator shall initially assess whether the reported conduct:
 1. Poses an immediate threat to the physical health or safety of the complainant or any other individual;
 2. May meet the definition of Title IX sexual harassment;
 3. Occurred in a district program or activity sponsored by the district and against a person in the United States;
 4. Involves other board policies or code of student conduct violations;

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act (see board policy 6171.4 Special Education);
- D. If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the code of student conduct and other board policies, then the Title IX coordinator shall redirect the report to the appropriate administrator to address the allegations;
- E. If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint;
- F. The Title IX coordinator shall contact the parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints;
- G. The Title IX coordinator shall contact the adult student and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints;
- H. If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians;
- I. The Title IX coordinator shall also determine what supportive measures may be offered to the respondent;
- J. If either party is an identified student with a disability, or thought to be disabled, the Title IX coordinator shall contact the director of special education to coordinate the required actions in accordance with board policy 6171.4 Special Education;
- K. Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106):
 1. Individuals making a report or formal complaint;
 2. Complainant(s);
 3. Respondent(s);
 4. Witnesses;
- L. The district shall treat complainants and respondents equitably by:
 1. Offering supportive measures to the complainant and may offer such measures to the respondent;
 2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

Complaint Procedures

Step 1 – Formal Complaint

- A. The Title IX coordinator shall initiate the grievance process for formal complaints when a complainant or the complainant's parent/guardian files a formal complaint. The Title IX coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if the respondent is an employee, or if further

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

investigation is needed to assess the extent of the behavior and impact on others, it may be reasonable to initiate the formal complaint process. Only the Title IX coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX coordinator may consult with the school attorney and other district officials in making this decision;

- B. The complainant or the Title IX coordinator shall use the designated section of the discrimination/sexual harassment report form to file or sign a formal complaint;
- C. The Title IX coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX coordinator or an attorney and shall promptly assign the investigation to that individual;
- D. The Title IX coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general;
- E. The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints;
- F. Notice Requirements:

Upon receipt of a formal complaint, or when the Title IX coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, where applicable, providing the following information:

- 1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available;
- 2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known;
 - b. The conduct allegedly constituting sexual harassment;
 - c. The date and location of the alleged incident(s), if known;
- 3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct;
- 4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence;
- 5. Notice of provisions in board policy and the district's Code of Student Conduct that prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints;
- 6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

Step 2 – Informal Resolution Process

The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX coordinator believes the circumstances are appropriate, the Title IX coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or supportive measures.

When offering an informal resolution process, the Title IX coordinator shall:

- A. Provide the parties a written notice disclosing the following:
 1. The allegations;
 2. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
 3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints;
 4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- B. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
- C. The informal resolution process shall be conducted within ten (10) school days of the parties' signed agreement for the informal resolution process;
- D. If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX coordinator;
- E. Within twenty (20) school days after the complaint is resolved, the Title IX coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies;
- F. The Title IX coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

*If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The designated investigator, if other than the Title IX coordinator, shall work with the Title IX coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

- A. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination;
- B. Not access, consider, disclose or otherwise use a party's records which are protected by legal privilege during the process of gathering evidence, unless the district has obtained the voluntary, written consent of

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

the party, or the party's parent/guardian when legally required. Such records include but are not limited to records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party (Safe2Say Something Procedures);

- C. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence;
- D. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- E. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The district may request that a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation;
- F. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to have an advisor of the party's choice accompany the party to any interview or other meeting related to the grievance procedure. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate;
- G. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
 - 1. Date;
 - 2. Time;
 - 3. Location;
 - 4. Participants;
 - 5. Purpose of all investigative interviews or other meetings;
- H. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source;
- I. If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX coordinator. The Title IX coordinator shall provide written notice of the new allegations to the known parties;
- J. Prior to the completion of the investigative report, the investigator shall:
 - 1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format;
 - 2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response;
 - 3. Consider the written response prior to drafting the investigative report;
- K. The investigator shall draft an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under section 106.45(b) of the Title IX regulations or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response;
- L. If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX coordinator, who shall promptly inform the superintendent

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

and law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and board policy;

- M. The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to request for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation and the reason for such delay shall be documented by the investigator;
- N. In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the district from addressing other identified violations of the code of student conduct or board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints. A decision whether and when to take such action should be made in consultation with the school attorney.

Step 4 – Written Determination and District Action

- A. To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the building principal;
- B. If the designated decision-maker has a conflict of interest or bias, or is a party in the formal complaint process, they shall disclose the conflict and the Title IX coordinator shall designate another individual to serve as the decision-maker;
- C. A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party;
- D. Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report;
- E. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions;
- F. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
- G. The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant;
- H. The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

convincing than that presented by the other party or which shows that the fact to be proven is more probable than not;

[Note: The districts may consult with their school attorney and decide to use the “clear and convincing evidence” standard, as permitted by the federal regulations, in place of the “preponderance of the evidence” standard. However, the legal disadvantages of this should be carefully considered with the school attorney. The clear and convincing evidence standard means that the party bearing the burden of proof must show that the truth of the allegations is highly probable.]

- I. In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness;
- J. After considering all relevant evidence, the decision-maker shall issue a written determination that includes:
 1. Identification of the allegations potentially constituting Title IX sexual harassment;
 2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and, if relevant, hearings held;
 3. Findings of fact supporting the determination;
 4. Conclusions regarding the application of the district's code of student conduct or board policies to the facts;
 5. A statement of, and rationale for, the result as to each allegation, including:
 - a. Determination regarding responsibility;
 - b. Disciplinary sanctions;
 - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent;
 6. The procedures, deadline and permissible bases for the complainant and respondent to appeal;
- K. The written determination shall be provided to the parties simultaneously. The determination becomes final either:
 1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed; or
 2. If an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this procedure;

The Title IX coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the code of student conduct, board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities.

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

When an emergency removal, as described below, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish

TITLE IX – SEX BASED DISCRIMINATION
PROCEDURES AND GRIEVANCE PROCESS (regulation continued)

the removal, including specific provisions to address a student with a disability where applicable (see board policy 5114 Suspension and Expulsion).

When an emergency removal is not required, disciplinary sanctions will be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.

Supportive Measures

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures (34 CFR 106.44).

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX coordinator shall notify the director of special education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavior assessment or other assessment or evaluation, in accordance with applicable law, regulations or board policy. Functional behavior assessments must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the code of student conduct and is determined to be a manifestation of a student's disability.

Reasonable Accommodations

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for any parties with identified qualifying disabilities, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and board policy.

Emergency Removal

If the district has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment that justifies removal, the respondent may be removed from the district's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX coordinator shall contact the director of special education to coordinate the required actions in accordance with board policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and board policy. When expulsion is necessary because continuation of educational services is not feasible, the board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44; board policy 5114 Suspension and Expulsion).

Administrative Leave

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual justifying removal, the employee may be removed on an emergency basis.

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act

TITLE IX – SEX BASED DISCRIMINATION
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and the Americans with Disabilities Act, and in accordance with state law and regulations, and an applicable collective bargaining agreement or individual contract (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44).

Required Reporting Under Other Policies

In addition to implementing the Title IX sexual harassment procedures, the Title IX coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or board policies, is also appropriately addressed in accordance with the applicable laws, regulations or board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse.

Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

- A. The absence of a party, a party's advisor or a witness;
- B. Concurrent law enforcement activity;
- C. Need for language assistance or accommodation of disabilities.

Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

- A. A complainant provides written notification of withdrawal of any allegations or of the formal complaint;
- B. The respondent is no longer enrolled or employed by the district in a district program or activity;
- C. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations;
- D. Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under the code of student conduct and other board policies, then the Title IX coordinator shall redirect the report to the appropriate administrator to address the allegations;
- E. Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the code of student conduct and other board policies;
- F. A dismissal may be appealed via the appeal procedures set forth in this procedure.

TITLE IX – SEX BASED DISCRIMINATION
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Consolidation of Title IX Formal Complaints

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

Appeal Process

Both parties shall have the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

- A. A procedural irregularity that affected the outcome of the matter;
- B. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made;
- C. The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX coordinator within ten (10) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX coordinator. The designated appeal authority shall be the district attorney or outside counsel.

For all appeals, the designated appeal authority shall:

- A. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties;
- B. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any conflict of interest or bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within ten (10) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, the statement shall accompany the statement in opposition, or the statement shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker

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for that limited purpose.

- C. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
- D. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within ten (10) school days;
- E. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX coordinator.

Recordkeeping

The district shall maintain the following records for a of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation (whichever is longer):

- A. Each Title IX sexual harassment investigation including any written determination and any audio or audiovisual recording or transcript, disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
- B. Any appeal and the result;
- C. Any informal resolution and the result;
- D. All materials used to train the Title IX coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process;
- E. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the district shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

[Note: a live hearing process is not required for the grievance process for formal complaints in the K-12 setting. Language on a live hearing process is not included in these procedures, but the district may add language in consultation with the school attorney.]

REGULATION HISTORY

Date of Review/Revision: February 2022
Effective Date: September 14, 2022

CROSS REFERENCES

1410	Local Units
2224	Nondiscrimination/Affirmative Action
4111.1/4211.1	Nondiscrimination, Affirmative Action
4112.6, 4212.6	Personnel Records
4119.21, 4219.21	Conflict of Interest

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4119.22, 4219.22	Conduct and Dress
4131/4131.1	Staff Development, Inservice Education, Visitation, Conferences
5114	Suspension and Expulsion
5125	Student Records
5131	Conduct and Discipline
5131	Code of Student Conduct, Regulation
5131.1	Harassment, Intimidation and Bullying
5131.5	Violence and Vandalism
5131.5/5131.7	Violence and Weapons, Regulation
5131.3	Substance Abuse
5131.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments
5141.4	Missing, Abused and Neglected Children
5142	Student Safety
5145.4	Equal Educational Opportunity
6121	Nondiscrimination/Affirmative Action
6142.4	Physical Education and Health (Dating Violence)
6171.4	Special Education

EXHIBITS

Exhibit 1 Discrimination/sexual Harassment Report Form

Based on the Pennsylvania School Boards Association procedure: *103-Attach 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints*

SALEM CITY SCHOOL DISTRICT
Salem, New Jersey

FILE CODE: 2224.1

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Exhibit

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM

The Salem City Board of Education shall endeavor to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position: _____

Address: _____

Email: _____

Phone Number: _____

Retaliation Prohibited

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report or from complying with applicable law and board policy. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am a: _____

☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM (continued)

☐ Other (please explain relationship to the district) If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: ☐ Your Child ☐ Another Student ☐ A District Employee

☐ Other: (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

☐ Student(s) ☐ Employee(s)

☐ Other (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

☐ Yes ☐ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

Signature of Person Making the Report

Date

Received By Date

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM (continued)**FOR OFFICIAL USE ONLY**

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment and/or if the matter merits review and action under the Code of Student Conduct and/or other board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, the Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in board policy 2224.1 Title IX – Sex Based Discrimination. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is a: _____

☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

☐ Other (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: ☐ Reporter's Child ☐ Another Student ☐ Another Employee

☐ Other: (please explain relationship to the alleged victim)
II. Respondent Information

Please state the name(s) of the individual(s) believed to have committed the reported violation:

Name(s): _____

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM (continued)

The reported respondent(s) is/are:

- ☐ Student(s) ☐ Employee(s)
- ☐ Other (please explain relationship to the district)

III. Level of Report:

- ☐ Informal ☐ Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

- ☐ Title IX Sexual Harassment ☐ Discrimination ☐ Retaliation ☐ Bullying
- ☐ Hazing ☐ Dating Violence ☐ Other

Nature of the Report (check all that apply):

- ☐ Race
- ☐ Age
- ☐ Color
- ☐ Creed
- ☐ Religion
- ☐ Sex
- ☐ Gender identity or expression
- ☐ Sexual Orientation
- ☐ Sexual Harassment (Title IX)
- ☐ National Origin
- ☐ Ancestry
- ☐ Marital Status
- ☐ Family status
- ☐ Relationship status (including marital, domestic partnership, or civil union status)
- ☐ Pregnancy
- ☐ Breastfeeding
- ☐ Disability
- ☐ Bullying
- ☐ Hazing
- ☐ Dating Violence
- ☐ Atypical hereditary cellular or blood trait, genetic information (including the refusal to participate in genetic testing or provide genetic information)
- ☐ Military service
- ☐ Other: _____

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM (continued)

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

- ☐ No.
- ☐ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's academic programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there physical health or safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual arising from the sexual harassment allegations justifying removal.)

- ☐ No.
- ☐ Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

- ☐ No
- ☐ Yes Date reported: _____

Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 2224 Nondiscrimination/Affirmative Action
- ☐ Policy 2224.1 Title IX Sexual Harassment Affecting
- ☐ Policy 4111.1/4211.1 Nondiscrimination/Affirmative Action
- ☐ Policy 5131.1 Harassment, Intimidation and Bullying
- ☐ Policy 6121 Nondiscrimination/Affirmative Action

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM (continued)☐ Policy 6142.4 Physical Education and Health (Dating Violence)

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity and against a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a school program or activity involving a person in the United States?

☐ Yes

☐ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- ☐ A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.
- ☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
- ☐ Sexual assault, dating violence, domestic violence or stalking.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

IX. Recommended Course of Action

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM (continued)

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

- ☐ No further action at this time (*state the reason*):
- ☐ Policy 2224 Nondiscrimination/Affirmative Action
- ☐ Policy 2224.1 Title IX Sexual Harassment Affecting
- ☐ Policy 4111.1/4211.1 Nondiscrimination/Affirmative Action
- ☐ Policy 5131.1 Harassment, Intimidation and Bullying
- ☐ Policy 6121 Nondiscrimination/Affirmative Action
- ☐ Policy 6142.4 Physical Education and Health (Dating Violence)

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints, in accordance with applicable law.

The Title IX coordinator shall contact the emancipated or adult student and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints, in accordance with applicable law

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM (continued)

☐ Yes ☐ No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be reasonable to initiate the formal complaint process. The Title IX Coordinator may consult with the school attorney and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: _____

Date: _____

Based on the Pennsylvania School Boards Association report form: *103-Attach 1 Report Form*

Policy

RESEARCH, EVALUATION AND PLANNING

As required by law, the superintendent shall annually direct development or review of district long- and short-range goals and the plan of action to attain them. Objectives shall be developed with community participation and approved by the board of education; the plan of action shall be prepared in consultation with teaching staff members. The district's plans shall be discussed at a public meeting before the date required by law.

Further, the superintendent shall coordinate continual research and evaluation of programs and facilities. The master plan shall be studied and revised periodically to keep it in accord with the changing circumstances and aspirations of the district.

State Monitoring

The superintendent shall ensure and coordinate the District Performance Review every three years, in compliance with New Jersey Quality Single Accountability Continuum (NJQSAC). Upon completion of the district's conduct of the District Performance Review, the board shall fix a date, place and time for the holding of a public meeting for approval by board resolution. The board shall comply with meeting procedures specified in N.J.A.C. 6A:30-3.2.

Planning at the School Level

The principal of each school in the district shall coordinate development and implementation of a school-level plan based on school report card data. This plan shall include student performance objectives, a review of progress by teaching and administrative staff, and the involvement of parents. The performance objectives shall be based on student achievement and behavior standards as defined in the administrative code.

At least once per semester, the principal of each school shall conduct meetings by grade level, department, team or similarly appropriate group to review each school plan. The review shall include:

- A. School report card data;
- B. Progress toward achieving student performance objectives;
- C. Progress toward student achievement of the New Jersey Student Learning Standards.

The superintendent will supervise the preparation and timely submission of accurate reports in order to ensure compliance with all federal, state, county and local laws and regulations, board policies, contract terms and conditions. The superintendent will promptly prepare and file updates and revisions to reports whenever new information becomes available that would require that an amended report be submitted. The superintendent may delegate the preparation and revision of reports to other employees of the board. However, the superintendent retains final responsibility for the action taken when tasks are delegated. If the revisions and corrections are so significant as to compromise the basic integrity of the report, the superintendent will inform the board president in order that appropriate corrective action may be taken by the board.

Adopted: March 28, 2007, July 11, 2018
NJSBA Review/Update: February 2022

RESEARCH, EVALUATION AND PLANNING (continued)

Readopted: September 14, 2022

Key Words

Research, Evaluation, Planning, Long-range Plan, Multi-year Maintenance, School Level Plan

<u>Legal References:</u>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:7A-10</u>	Evaluation of performance of each school
	<u>N.J.S.A. 18A:7A-11</u>	Annual report of local school district; contents; annual report of commissioner;
		report on improvement of basic skills
	<u>N.J.S.A. 18A:7A-14</u>	Review of evaluations of district performance ...
	<u>N.J.S.A. 18A:7F-6</u>	Approval of budget by Commissioner
	<u>N.J.S.A. 18A:7F-46</u>	Review, update of New Jersey Student Learning Standards; Educational Adequacy Report
	<u>N.J.A.C. 6A:8-1.1 et seq.</u>	Standards and Assessments
	<u>N.J.A.C. 6A:26-2.1 et seq.</u>	Long-Range Facilities Plans
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-2.1</u>	Definitions
	<u>N.J.A.C. 6A:32-12.1 et seq.</u>	Student Behavior

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.**Possible**

<u>Cross References:</u>	*1120	Board of education meetings
	*1220	<u>Ad hoc</u> advisory committees
	*2255	Action planning for NJQSAC
	*3510	Operation and maintenance of plant
	*5020	Role of parents/guardians
	*6142.2	English as a second language; bilingual/bicultural
	*6171.4	Special education
	*7110	Long-range facilities planning
	*9130	Committees

*Indicates policy is included in the Critical Policy Reference Manual.

ACTION PLANNING FOR STATE MONITORING NJQSAC
NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM

The Salem City Board of Education recognizes that it has important functions under the New Jersey state monitoring system: Quality Single Accountability Continuum (NJQSAC). The board shall comply with the requirements of the Department of Education's three year monitoring system by completing the District Performance Review (DPR). The district shall be assessed in the following five key areas:

- A. Operations;
- B. Instruction and Program;
- C. Governance;
- D. Fiscal Management;
- E. Personnel.

The superintendent shall take the following steps to oversee the efficient completion of the District Performance Review every three years as required by law:

- A. District Performance Review form shall be completed by the district committee. The superintendent shall determine the total number of people that will serve on the committee. The superintendent shall appoint the following persons to the committee, and, in his or her discretion, may include other persons on the committee with the approval of the board of education:
 - 1. Superintendent;
 - 2. One or more members of the administrative staff;
 - 3. One or more teaching personnel, representative of different grade levels and/or;
 - 4. The business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate personnel;
 - 5. One or more member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit; which may include the teaching personnel otherwise appointed in "3" above; and
 - 6. One or more members of the board selected by the board.
- B. The superintendent shall:
 - 1. Ensure that the process used by the committee in completing the District Performance Review provides for participation and input by all committee members;
 - 2. Consult with the committee in formulating a response to all weighted quality performance indicators of each component of school district effectiveness;
 - 3. Ensure that the responses in District Performance Review encompass and reflect the circumstances that exist in the school district; and
 - 4. Ensure that all responses to the District Performance Review can be verified by data and supporting documentation or otherwise and provide this verification to the department upon request. (N.J.A.C. 6A:30-3.2 District Performance Review)

Additionally, the superintendent shall ensure the district's compliance with all indicators when it is within his/her power to do so. He/she shall inform the board in a timely fashion of any areas in which board action is required to bring the district into compliance, and suggest to the board feasible plans of action.

Upon completion of the proposed responses to the District Performance Review, the board of education shall

ACTION PLANNING FOR NJQSAC (continued)

fix a date, place and time for the holding of a public meeting, which may be a regularly scheduled meeting of the district board of education. The proposed responses to the District Performance Review and statement of assurance shall be presented to the board for approval by resolution.

The board shall ensure that:

- A. The proposed responses to the District Performance Review and statement of assurance shall be posted on its internet site, if one exists, at least five working days prior to the date fixed for the meeting, and shall make it available for examination by the public at the district board offices or another reasonable location;
- B. Notice of the meeting shall be published as required by the Open Public Meetings Act and this notice shall inform the public that the District Performance Review and statement of assurance will be discussed at the meeting and the times and manner in which members of the public may view the proposed responses to the District Performance Review; and
- C. At the public meeting the public shall have the opportunity to comment and be heard with respect to the proposed responses to the District Performance Review. The public shall have the opportunity to submit written comments prior to the meeting, as well (N.J.A.C. 6A:30-3.2 District Performance Review).

If the school district fails to satisfy the evaluation criteria, the board of education shall cooperate in undertaking corrective action plans indicated by the executive county superintendent and pursuant to the New Jersey administrative code.

Certification requirements for teaching staff members shall not be violated.

Statement of Assurance

The district shall complete the Statement of Assurance annually and submit it the Department of Education electronically before the prescribed due date. The superintendent and the board shall determine that all items of the Statement of Assurance have been completed before its submission.

Equivalency and Waiver Procedures

The board may apply to the commissioner for a waiver of a specific rule or an equivalent means of implementing a rule through alternate procedures so long as the following criteria are met:

- A. The spirit and intent of New Jersey statutes, applicable federal laws and regulations, and the administrative code are served by granting the equivalency or waiver;
- B. The provision of a thorough and efficient education to the students in the district is not compromised as a result of the equivalency or waiver; and
- C. There will be no risk to student health, safety or civil rights by granting the equivalency or waiver.

All applications for equivalency and waivers shall be in accordance with N.J.A.C. 6A:5-1.5 and shall be signed by the superintendent and approved by the board of education.

Adopted:	March 28, 2007, July 11, 2018
NJSBA Review/Update:	February 2022
Readopted:	September 14, 2022

Key Words

Action Planning, NJQSAC, Quality Single Accountability Continuum, Planning, Certification, Equivalency, Waivers

<u>Legal References:</u>	<u>N.J.S.A. 18A:7A-10</u>	Evaluation of performance of each school
	<u>N.J.S.A. 18A:7A-14</u>	Review of evaluation of district performance

ACTION PLANNING FOR NJQSAC (continued)

<u>N.J.S.A.</u> 18A:7F-43 <u>et al.</u>	<u>School Funding Reform Act of 2008</u>
<u>N.J.S.A.</u> 18A:26-2	Certificates required; exception
<u>N.J.A.C.</u> 6A:5-1.1 <u>et seq.</u>	Regulatory Equivalency and Waiver
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessments
<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>See Particularly:</u>	
<u>N.J.A.C.</u> 6A:30-2.1, -3.2, 5.2	NJQSAC components of school district effectiveness and indicators

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*1220	<u>Ad hoc</u> advisory committees
	*2240	Research, evaluation and planning

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CONCEPTS AND ROLES IN BUSINESS AND NONINSTRUCTIONAL OPERATIONS;
GOALS AND OBJECTIVES

Fiscal Management

The Salem City Board of Education recognizes that money and money management are a necessary support of the whole school program. To make that support as effective as possible, the board intends:

- A. To encourage advance planning through the best possible budget procedures;
- B. To explore all practical sources of dollar income;
- C. To guide the expenditure of funds so as to extract the greatest educational returns;
- D. To expect top-quality accounting and reporting procedures; to adopt and implement sound fiscal procedures. The Business Administrator/Board Secretary shall prepare a manual of procedures to ensure that all business operations of the district are carried out uniformly, efficiently and in accordance with law and board policy;
- E. To maintain a level of per student expenditure sufficient to provide high quality education.

Internal Controls/Standard Operating Procedures

The Salem City Board of Education is committed to financial integrity and directs the superintendent to establish specific regulations and standard operating procedures for business functions which are designed to provide district administrators with reasonable assurance that the district's goals and objectives will be met and that meet the requirements of N.J.A.C. 6A:23A-6.5 through 6.13. Internal controls shall promote operational efficiency and effectiveness, provide reliable financial information, safeguard assets and records, encourage adherence to prescribed policies and comply with law and regulation.

The district may submit a written request to the Commissioner to approve an alternative system, approach or process for implementing the internal controls required in this subchapter. The application must include documented evidence that includes but is not limited to, an independent, third-party written assessment that the alternative system, approach or process will achieve the same safeguards, efficiency and other purposes as the specified internal control requirement(s).

Personnel Tracking and Accounting

The district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each in accordance with N.J.A.C. 6A:23A-6.8.

Support Services

The board of education expects operation and maintenance of the school plant and equipment to set high standards of safety, to maintain the health of students and staff, to reflect the aspirations of the community, to support environmentally the efforts of the staff to provide a good education and to preserve the community's major investment.

In order to provide services that sufficiently support the educational program, the board establishes as broad

CONCEPTS AND ROLES IN BUSINESS AND NONINSTRUCTIONAL OPERATIONS; GOALS AND OBJECTIVES (continued)

goals:

- A. To provide a physical environment for teaching and learning that is safe and pleasant for students, staff, and public;
- B. To provide safe transportation for eligible students;
- C. To make nutritious meals available to students;
- D. To provide resources, facilities and assistance to meet the needs of the educational program as they develop.

Long-Range Plans

In compliance with law, the superintendent will develop a five-year comprehensive maintenance plan. The board will review this plan and the district's long-range facilities plan annually, and will revise them as necessary with the advice of the superintendent.

Adopted: June 12, 2002
 NJSBA Review/Update: February 2022
 Readopted: October 12, 2022

Key Words

Concepts and Roles in Business, Noninstructional Operations, Goals and Objectives in Business and Noninstructional Operations, Planning, Business

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:30-4	Disbursement of public moneys, incurrence of obligations in excess of appropriation
	<u>N.J.S.A.</u> 18A:4-14	Uniform system of bookkeeping for school districts
	<u>N.J.S.A.</u> 18A:17-14.1 through -14.3	Appointment of school business administrator; duties; subcontracting; tenure acquisition
	<u>N.J.S.A.</u> 18A:17-24.1	Sharing of superintendent, school business administrator; procedure
	<u>N.J.S.A.</u> 18A:18A-1 <u>et seq.</u>	Public School Contracts Law
	<u>N.J.S.A.</u> 18A:20-1 <u>et seq.</u>	Title in board of education
	<u>N.J.S.A.</u> 18A:33-1 <u>et seq.</u>	Facilities in general
	<u>N.J.S.A.</u> 18A:39-1 <u>et seq.</u>	Transportation to and from schools
	<u>N.J.S.A.</u> 40A:65-1 <u>et seq.</u>	<u>Uniform Shared Service and Consolidation Act</u>
	<u>N.J.A.C.</u> 2:36-1.1 <u>et seq.</u>	Child Nutrition Programs
	<u>N.J.A.C.</u> 6A:9B-12.1 <u>et. seq.</u>	Requirements for administrative certification
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9B-12.1, -12.2, -12.3(d), -12.7	
	<u>N.J.A.C.</u> 6A:23A-1.1 <u>et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
	<u>N.J.A.C.</u> 6A:23A-6.5 through 6.13	Segregation of duties; organization structure
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:23A-6.7, -6.8	
	<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
	<u>N.J.A.C.</u> 6A:27-1.1 <u>et seq.</u>	Student Transportation

Possible

CONCEPTS AND ROLES IN BUSINESS AND NONINSTRUCTIONAL
OPERATIONS; GOALS AND OBJECTIVES (continued)

<u>Cross References:</u>	*3100	Budget planning, preparation and adoption
	3200	Income
	3300	Expenditures/expending authority
	3400	Accounts
	3500	Noninstructional operations
	*3510	Operation and maintenance of plant
	3530	Insurance management
	3541	Transportation
	3542	Food service
	3452.1	Local Wellness
	3543	Office services
	3570	District records and reports
	3600	Evaluation of business and noninstructional operations
	*7110	Long-range facilities planning
	9123/9124	Appointment of board secretary; appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.

BUDGET PLANNING, PREPARATION AND ADOPTION

The annual budget is the financial plan for the effectuation of the educational plan for the district; its preparation is, therefore, one of the most important functions performed by the Salem City Board of Education. The budget shall be designed to carry out that plan in a thorough and efficient manner, to maintain school district facilities, and to honor continuing obligations of the district.

A proposed budget requires the critical analysis of every member of the Board during its preparation. The administration shall work with the Board to ensure Board Members have a thorough understanding of the budget appropriations, budget revenue, the proposed educational program and the budget's impact to the local tax levy. The Board shall also provide for community input during the budget development process.

The budget is the financial reflection of the educational plan for the district. The budget shall be designed to carry out that plan in a thorough and efficient manner and to maintain the facilities and honor the obligations of the district. The budget shall be in accord with statutory and regulatory mandates of the federal government, the state legislature, the state board of education and the board of education.

The budget shall provide sufficient resources for the designed curriculum and instruction. The budget shall be delivered in such a way that all students have the opportunity to achieve the knowledge and skills defined by the New Jersey Student Learning Standards and local standards.

In reviewing budget proposals, the board will consider priorities to be accomplished during the subsequent year, based on the needs identified through the district's planning process. The budget shall be prepared on forms prescribed by the Commissioner of Education and should be considered critically by each board member during its preparation.

In order to ensure adequate time for the preparation and review of the proposed budget, the board directs the superintendent to develop a schedule of events associated with the development, presentation and adoption of the budget by the board. The budget should evolve primarily from the needs of the individual schools as expressed by the building principals and the district educational program as expressed by the central administrative staff and be compatible with approved district plans. The calendar of events shall conform to all dates set out in statute and shall be reviewed and adopted by the board annually. The superintendent shall prepare a tentative budget and shall confer with the principals, department heads, board committees and other district personnel, as necessary, to make the tentative budget realistic.

The board may call upon key personnel to discuss those portions of the budget that concern their areas of district operations.

The budget should evolve primarily from the district's goals and schools' current needs but shall also consider the data collected in long-range budget planning. The district's operating budget, when presented to the board for review, shall contain:

- A. The total expenditure for each item for the preceding school year;
- B. The amount appropriated for the current school year adjusted for transfers as of February 1 of the current school year;
- C. The amount estimated to be necessary to be appropriated for the ensuing school year;
- D. The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year and the amount anticipated to be available for the

BUDGET PLANNING, PREPARATION AND ADOPTION (continued)

ensuing school year;

- E. The amount of revenue available for budget purposes for the preceding school year, the amount available for the current school year as of February 1 of the current school year and the amount anticipated to be available for the ensuing school year in the following categories:
 - 1. Total to be raised by local property taxes;
 - 2. Total State aid;
 - 3. Total federal aid;
 - 4. Other sources;
- F. The proposed expenditure for each line item requested for the ensuing year;
- G. The anticipated expenditure for each existing line item in the current school year;
- H. The actual expenditure for each then-existing line item from the immediately completed school year;
- I. A description of each line item;
- J. An estimate of the student population for the coming school year by grade;
- K. The current student population by grade;
- L. An estimate of the staff needed for the coming school year by grade and/or by subject;
- M. Actual staff for the current year;
- N. Anticipated revenue by sources and amounts;
- O. Amount of surplus anticipated at the end of the current school year including accumulated surplus;
- P. All other expenses projected for the coming year, anticipated for the present year, and incurred in the preceding year, on the district level; and
- Q. Projected impact on tax rate.

Budget Adoption and Submission

Annually, on or before March, the board shall adopt and submit to the executive county superintendent for approval, together with such supporting documentation as prescribed by the commissioner, a budget that provides for a thorough and efficient (T&E) education. The board shall submit at the commissioner's request supplemental information such as documents, contracts, reports, and financial records and statements required by law or regulation, or other information necessary to conduct a review of the school district's annual spending plan. Additional information may include, but need not be limited to:

- A. Contracted services;
- B. Health benefits;
- C. Operation and maintenance of plant services;
- D. Utilities and where applicable, an analysis of savings by not using the Alliance for Competitive Energy Services (ACES) or Alliance for Competitive Telecommunications (ACT);

BUDGET PLANNING, PREPARATION AND ADOPTION (continued)

- E. Purchased professional services;
- F. Textbook adoptions;
- G. Equipment purchases;
- H. A detailed list of efforts to improve administrative efficiency and realize other potential or real cost savings;
- I. An accounting and analysis of:
 - 1. Actual salary breakage in the year prior to the prebudget year for replacement of staff that retired or left district employment before or during the year;
 - 2. Actual or estimated salary breakage, as available, for the prebudget year for replacement of staff that retired or left district employment or are known to be retiring or leaving district employment before the end of the prebudget year; and
 - 3. Estimated salary breakage for the budget year for replacement of staff known to be retiring or leaving district employment at the end of the prebudget year;
- J. A list of budgeted positions and salaries that have been vacant for more than one year;
- K. A list of aides and salaries that are not mandated for preschool and kindergarten or required by IEP for special education;
- L. A list of appropriations to fund deficits in any of the school district's enterprise fund activities; and
- M. Supporting documentation in regard to the employment contracts of the superintendent, any assistant superintendent, the school business administrator, and any employee with an annual salary that exceeds \$75,000 who is not a member of a collective bargaining unit.

The annual budget proposal must be adopted by a roll call majority vote of the full membership of the board. Once adopted, the proposal represents the position of the board, and all reasonable means shall be employed by the board to present and explain that position to all community residents and taxpayers.

Budget Hearing

The date of the public hearing shall be advertised in at least one newspaper published in the district not less than 4 days prior to the fixed date. If there is no newspaper published in the district it shall be advertised in at least one newspaper circulated in the district. The notice shall include the hours and place the budget will be on file and open to the examination of the public. The budget shall be open to examination from the date of the notice publication until the date of the holding of the public hearing.

The board of education shall hold such public hearing on the date and at the time and place, fixed annually by the board (see: the Department of Education *School Election and Budget Procedures Calendar* posted by the Office of School Finance at <http://www.state.nj.us/education/finance/>), The date of the hearing shall be fixed between March 22 and March 29. At the public hearing the taxpayers and other interested persons shall have an opportunity to present objections and to be heard with respect to said budget and the amounts of money necessary to be appropriated and the various items and purposes for which the same are to be appropriated for the use of the schools in the district for the ensuing school year.

The budget shall be maintained on the district website and made available in print within 48 hours after the public hearing.

BUDGET PLANNING, PREPARATION AND ADOPTION (continued)

All board members are expected to attend the public hearing on the budget.

Public Notification of the Budget

Since the budget is the legal basis on which the school tax rate is established, the annual school budget process is an important means of communication within the school organization and with district residents. The community shall be notified of and encouraged to attend all board meetings at which preliminary budget discussions will be held. The legally required public hearing on the proposed budget shall be held after the budget has been approved by the executive county superintendent and within the statutorily prescribed timelines.

The budget as adopted for the school year shall be provided for public inspection on the district's Internet site, if one exists, and made available in print in a "user-friendly," plain language budget summary format within 48 hours after the public hearing on the budget.

- A. The budget shall be maintained on the district's website, if one exists, with a visible link off the main page, for the entire budget year and revised, as applicable, when changed as follows:
 - 1. Prior to adoption of a separate proposal(s);
 - 2. Upon voter rejection of a separate proposal(s);
 - 3. Upon municipal action on a voter rejected base budget question; and
 - 4. For any subsequent determination on an application for restoration to the Commissioner.
- B. The user-friendly budget shall include:
 - 1. All appropriation line items aggregated by item type;
 - 2. The school tax rate;
 - 3. The equalized school tax rate;
 - 4. Revenues by major category;
 - 5. The amount of available surplus;
 - 6. A description of unusual revenues or appropriations, with a description of the circumstances of the revenues and appropriations; and
 - 7. A list of shared services agreements in which the district is participating.

Appropriation of Funds

The board shall fix and determine by a recorded roll call majority vote of the full board, at or after the public hearing on the budget but not later than 18 days prior to the April school election, the amount of money to be raised pursuant to the School Funding Reform Act of 2008 and any additional funds to be voted upon by the voters at the April school election. The sum or sums shall be designated in the notice calling the election as required by law.

The board may submit a separate budget proposal or proposals to the voters for additional general fund tax levies which may be in excess to that which has been determined necessary for all students to have an opportunity to achieve the New Jersey Student Learning Standards and a thorough and efficient education. The board shall adopt any such questions by a recorded roll call majority vote of the full board.

The board may submit a separate budget proposal or proposals to the voters for additional general fund tax levies which may be in excess to that which has been determined necessary for all students to have an opportunity to achieve the New Jersey Student Learning Standards and a thorough and efficient education.

Adopted: July 16, 1997, June 12, 2002, April 25, 2007, March 11, 2020

BUDGET PLANNING, PREPARATION AND ADOPTION (continued)

NJSBA Review/Update: February 2022
 Readopted: October 12, 2022

Key Words

Budget Planning, Preparation and Adoption; Planning; Budget

Legal References:	<u>N.J.S.A. 18A:7F-43 et seq.</u>	<u>School Funding Reform Act of 2008</u>
	<u>N.J.S.A. 18A:13-17, -19, -23</u>	Submission of budget; annual regional school election
	<u>N.J.S.A. 18A:22-7, -8</u>	Preparation of budgets
	through -8.2 and -9 through -13	
	<u>N.J.S.A. 18A:22-14</u>	Fixing appropriations to be made; notice of intent to appeal (Type I districts)
	<u>N.J.S.A. 18A:22-25</u>	Borrowing against appropriations on notes (Type I districts)
	<u>N.J.S.A. 18A:22-26</u>	Type II district with board of school estimate;
	through -31	determination; certification and raising of notice of intent to appeal amount of appropriation
	<u>N.J.S.A. 18A:22-32, -33</u>	Type II districts without board of school estimate; determination of appropriation
	<u>N.J.S.A. 18A:39-1.5</u>	Adoption of policy regarding transportation of students along hazardous routes
	<u>N.J.S.A. 19:60-1</u>	School elections, adjustments, ballots
	<u>N.J.A.C. 6A:8-1.1 et seq.</u>	Standards and Assessment
	<u>N.J.A.C. 6A:23A-8.1 et seq.</u>	Budget Submission, support documentation, website publication
	<u>N.J.A.C. 6A:23A-15.2</u>	Per student calculation, notification and caps (charter schools)
	<u>N.J.A.C. 6A:23A-15.3</u>	Enrollment counts payments process and aid adjustment (charter schools)
	<u>N.J.A.C. 6A:23A-22.4</u>	Financial requirements (charter schools)
	<u>N.J.A.C. 6A:26-10.1 et seq.</u>	Purchase and lease Agreements
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

Abbott v. Burke, 149 NJ 195 (1999)

Budget Guidelines and Electronic Data Collection Manual 2016-17, New Jersey Department of Education

Possible

Cross References:	*3160	Transfer of funds between line items/amendments/purchases not budgeted
	*3220/3230	State funds; federal funds
	*3326	Payment for goods and services

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3160

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

TRANSFER OF FUNDS BETWEEN LINE ITEMS/AMENDMENTS/
PURCHASES NOT BUDGETED

Appropriate fiscal controls shall ensure that the Salem City Board of Education does not spend more than authorized funds. The board secretary shall keep the board informed of the district's financial status according to law.

Except in the case of federal basic skills improvement funds, the board designates the superintendent to approve such transfers among line items and programs as are necessary between meetings of the board. Transfers approved by the superintendent shall be reported to the board, ratified, and recorded in the minutes at a subsequent meeting of the board, but not less than monthly.

Funds may not be transferred among the major categories, i.e. current expense, capital outlay and debt service.

When the necessity arises for an unbudgeted expenditure, and there are no available funds in other line items in the same category, the procedures required by administrative code shall be initiated.

Adopted: September 8, 1988, April 25, 2007, August 8, 2018

NJSBA Review/Update: February 2022

Readopted: October 12, 2022

Key Words

Transfer of Funds, Budget, Budget Amendment

Legal References: N.J.S.A. 2C:30-4 Disbursing moneys, incurring obligations in excess of appropriations
N.J.S.A. 18A:17-9 Secretary; report of appropriations, etc.; custodial duties, etc.
N.J.S.A. 18A:18A-7 Emergency purchases and contracts
N.J.S.A. 18A:22-8.1 Transfer of amounts among line items and program categories
N.J.S.A. 18A:22-8.2 Prohibited transfers
N.J.S.A. 18A:24-48 through -54 Application of proceeds to new purpose; in districts having boards of school estimate; certification by boards of education
N.J.A.C. 6A:23A-13.3 Transfers during the budget year
N.J.A.C. 6A:23A-16.1 Prescribed system of double-entry bookkeeping and GAAP accounting
See particularly:
N.J.A.C. 6A:23A-16.2, -16.10
N.J.A.C. 6A:30-1.1et seq. Evaluation of the Performance of School Districts

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

Guidelines for Development of Program Plan--Bilingual/ELL Education Programs--New Jersey State Department of Education, revised annually

TRANSFER OF FUNDS BETWEEN LINE ITEMS/
AMENDMENTS/PURCHASES NOT BUDGETED (continued)

Possible

<u>Cross References:</u>	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	*3100	Budget planning, preparation and adoption
	3170	Budget administration
	3300	Expenditures/expending authority
	*3320	Purchasing procedures
	*3570	District records and reports
	3571	Financial reports
	*6142.2	English as a second language; bilingual/bicultural
	*6171.3	At-risk and Title 1
	9127	Appointment of auditor
	*9325.4	Voting method
	*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3220/3230

Policy

<u> </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

STATE FUNDS; FEDERAL FUNDS

Each year, when it is believed that the school district is eligible for federal and/or state assistance under the provisions of public laws, application for said assistance may be submitted so long as acceptance of the funds does not include conditions contrary to the policies of the board of education. The superintendent shall inform the board about specific assurances which may be required in addition to those addressed in this policy, and will provide the required language for board adoption.

When the law requires the development and implementation of administrative procedures for submitting state and federal financial reports, with specified time schedules, the superintendent and board secretary shall ensure that the staff has properly completed the reports and that in each instance the reports have been submitted within the specified time. In particular, the superintendent is responsible for assuring that the district is in compliance with Education Department General Administrative Regulations (EDGAR) and all persons responsible for following those administrative regulations shall be held accountable.

The regular operating budget must include amounts anticipated to be received from state and/or federal sources, and a listing of projects describing how this money will be spent. These recommendations for expenditures will be approved by the board before projects are submitted.

If additional amounts become available during the year, additional projects will be recommended to the board and, with its approval, added to the budget.

Maintenance of Effort

The Salem City Board of Education will maintain a combined fiscal effort per student or aggregate expenditures of state and local funds with respect to the provision of the public education for the preceding fiscal year that is not less than the required amount of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

Equivalence

To be in compliance with the requirements of federal law, the board of education directs the superintendent to assign staff and distribute curriculum materials and instructional supplies to the schools in such a way that equivalence of personnel and materials is ensured among the schools.

Supplement not Supplant

Federal funds shall be used for supplementary services only and shall not be used to replace services that the district would supply eligible students, if state and federal funds were not available.

Parent/Guardian Participation

The district shall implement parent/guardian consultation and participation, advisory councils, etc., as mandated for the specific program.

Control of Equipment

Title to and control over equipment and/or property purchased with federal funds shall be maintained in accordance with the pertinent federal regulations. The superintendent shall develop written procedures outlining federal ownership and district use, loan, loss and disposal of such equipment/property.

STATE FUNDS; FEDERAL FUNDS (continued)

Special Education Medicaid Initiative (SEMI) Program

The superintendent or designee shall ensure that the district follows all required procedures to maximize its revenue from reimbursements under the Special Education Medicaid Initiative (SEMI) Program. This program allows the district to recover a portion of the cost of certain health-related services considered medically necessary in a student's Individualized Education Program (IEP), including evaluation services, physical, occupational and speech therapy, and specialized transportation services.

Procedures to be followed are included in the SEMI Provider Handbook, found at <http://www.state.nj.us/treasury/administration/semi-mac/semi-mac.htm>. These procedures include maximizing the return rate of parental consent forms for all SEMI eligible students.

In accord with the Family Educational Rights and Privacy Act (FERPA), the district shall obtain the parent/guardian's informed written consent prior to any disclosures of personally identifiable information from education records, including health information, to the Medicaid program for Medicaid claim submission.

All supporting documentation for Medicaid claims shall be maintained on file and available for state or federal audit for at least seven years from the date of service. Records shall fully document the basis upon which claims for reimbursement are made.

Reimbursement Requests

When the district is a subgrantee of grants awarded by the Federal government to the State of New Jersey, the district shall submit reimbursement requests using the Electronic Web-Enabled Grant (EWEG) System. Expenditures must be supported by documentation at the subgrantee level. Documentation for salary expenditures will be according to the applicable federal circular. Expenditures must be for allowable costs. Expenditures must be related to the subgrantee's cost objectives. Expenditures will be reviewed to determine that:

- A. Adequate description of expenditures is provided;
- B. No new budget category is created; and
- C. Reimbursement does not exceed the allowable threshold for an amendment as a result of cumulative transfers among expenditure categories.

Reimbursement requests will be certified by the board as being in accordance with approved grant applications. EWEG reimbursement requests will meet NJDOE timelines and deadlines. The district shall assume all responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended according the requirements of the Cash Management Improvement Act of 1990 (CMIA) and other applicable federal regulations.

Financial Fraud and Theft Prevention

All employees, board members, consultants, vendors, contractors and other parties maintaining a business relationship with the district shall act with integrity and due diligence in matters involving state grants, federal grants, and other fiscal resources.

The superintendent shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety or fiscal irregularities within the district. Every member of the district's administrative team shall be alert for any indication of fraud, financial impropriety or irregularity within his/her areas of responsibility.

STATE FUNDS; FEDERAL FUNDS (continued)

As used in this policy, “fraud” refers to intentionally misrepresenting, concealing or misusing information in an attempt to commit fiscal wrongdoing. Fraudulent actions include, but are not limited to:

- A. Behaving in a dishonest or false manner in relation to district assets, including theft of funds, securities, supplies or other properties;
- B. Forging or altering financial documents or accounts illegally or without proper authorization;
- C. Improper handling or reporting of financial transactions;
- D. Personally profiting as a result of insider knowledge;
- E. Disregarding confidentiality safeguards concerning financial information;
- F. Violating board conflict of interest policies;
- G. Mishandling financial records of district assets (destroying, removing or misusing).

The superintendent shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

In the event the concern or complaint involves the superintendent, the concern shall be brought to the attention of the board president who is hereby empowered to contact the board’s legal counsel, auditing firm and any other agency to investigate the concern or complaint.

Adopted: April 25, 2007, December 8, 2010, December 13, 2017
 NJSBA Review/Update: February 2022
 Readopted: October 12, 2022

Key Words

State Funds, Federal Funds, Disposal of Equipment, State/Federal Funds

<u>Legal References:</u>	<u>N.J.S.A. 18A:7F-43 et seq.</u>	<u>School Funding Reform Act of 2008</u>
	<u>N.J.S.A. 18A:7G-1</u> through –44 et al.	Educational Facilities Construction and Financing Act
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:34-1</u>	Textbooks; selection; furnished free with supplies; appropriations
	<u>N.J.S.A. 18A:38-7.7</u> through -7.14	Legislative findings and declarations (regarding impact aid)
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 18A:58-7.1</u>	School lunch program
	<u>N.J.S.A. 18A:58-7.2</u>	School lunch program; additional state aid
	<u>N.J.S.A. 18A:58-11</u>	Emergency aid
	<u>N.J.S.A. 18A:58-11.1</u>	Loss of tuition to district due to establishment of regional district; state aid for one year
	<u>N.J.S.A. 18A:58-33.6</u> through -33.21	Additional State School Building Aid Act of 1970

STATE FUNDS; FEDERAL FUNDS (continued)

<u>N.J.S.A.</u> 18A:58-37.1 through -37.7	Textbook Aid to Public and Nonpublic Schools
<u>N.J.S.A.</u> 18A:59-1 through -3	Federal aid
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:23A-5.3	Failure to maximize SEMI
<u>N.J.A.C.</u> 6A:23A-8.1	Budget submission, support documentation, website publication
<u>N.J.A.C.</u> 6A:23A-19.1	Emergency aid
<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
<u>N.J.A.C.</u> 6A:27-8.1 <u>et seq.</u>	State Transportation Aid
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Abbott v. Burke, 149 N.J. 145 (1997)

Hawkins-Stafford Elementary and Secondary School Improvement Amendments
of 1988 (Pub. L. 100-97)

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Drug-Free Workplace Act of 1988

34 CFR Part 85, Governmentwide Debarment and Suspension (nonprocurement)
and Government wide Requirements for Drug-Free Workplace (Grants)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

2 CFR 200 uniform requirements for federal awards

Education Department General Administrative Regulations (EDGAR)

Possible

<u>Cross References:</u>	*3100	Budget planning, preparation and adoption
	*3160	Transfer of funds between line items/amendments/purchases not budgeted
	3500.1	Energy
	*3541.1	Transportation routes and services
	*3542.31	Free or reduced-price lunches/milk
	*3570	District records and reports
	*4119.23/4219.23	Employee substance abuse
	*6142.2	English as a second language; bilingual/bicultural
	*6142.6	Basic skills
	*6142.12	Career and technical education
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

TUITION

The Salem City Board of Education shall charge and assess tuition for attendance in the schools for pupils not entitled to receive a free public education in this district and whose enrollment has been approved by the Board.

The board will charge tuition for students attending this school district that are entitled to receive a free public education in this district or from a student's sending district for the student attending this school district as provided for by law (N.J.S.A. 18A:38-3). Tuition rates shall be determined annually and shall not exceed the district's actual estimated cost per student.

The term "actual cost per student" for determining the tuition rate or rates for a given year means the local cost per student in average daily enrollment, based upon audited expenditures for that year for the purpose for which the tuition rate is being determined and consistent with the grade/program categories for regular education classes: preschool and kindergarten, grades one through five, grades six through eight, and special class programs. The district shall obtain certification of its "actual cost per student" for each tuition category for a given year from the commissioner.

The "average daily enrollment," for the purpose of determining the "actual cost per student," means the sum of the days present and absent of all students enrolled in the register or registers of the program for which the rate is being determined during the year divided by the number of days school was actually in session, but in no event shall the divisor be less than 180 days.

The board secretary/business administrator shall be responsible for the assessment and collection of tuition as well as the assessment of tuition for approved students attending special classes in the district.

The tuition rates shall be made known to the sender prior to the start of the school year and, where possible, all differences worked out in advance of billings. Tuition billings will be made monthly immediately following the billing period. When a student attends more than three days, the sender will be charged for a full month tuition, if so permitted by federal/state law and/or regulation. Educational services will be terminated for any student whose tuition payment is more than thirty (30) days overdue.

The executive county superintendent should be consulted to mediate disputes that arise from tuition matters as defined in N.J.A.C. 6A:23A-17.1(f)5.

Children of Non-Resident School District Employees

It is the policy of the Board of Education that children of non-resident (Salem City) employees of the district may attend school in the Salem City School District in grades Kindergarten through 12 without tuition on a space available basis.

Permission for such attendance must be granted in advance by the board. The board will consider the class sizes and other educational factors before granting attendance. Attendance shall be for one year only, with the requirement that the employee/parent applies to the Board either in person or in writing prior to August 1st of the school year that the employee is requesting enrollment of his/her child.

Adopted:	June 12, 2002, April 25, 2007
NJSBA Review/Update:	March 2022
Readopted:	October 12, 2022

TUITION (continued)

Key Words

Tuition, Fees, Tuition Rates

Legal References: N.J.S.A. 18A:38-8 Duty to receive students from other districts
 N.J.S.A. 18A:38-19 Tuition of students attending schools in other district
 N.J.S.A. 18A:46-21 Tuition (disabled)
 N.J.A.C. 6A:23A-17.1 et seq. Tuition public schools

Possible

Cross References: *5118 Nonresidents

*Indicates policy included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3250

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

INCOME FROM FEES, FINES, CHARGES

The Salem City Board of Education authorizes the imposition of fines for the loss, damage, or defacement of textbooks and other instructional materials.

The superintendent shall oversee preparation of a schedule of fines for lost or damaged textbooks and/or equipment. The same schedule shall apply to nonpublic school students who lose or damage textbooks loaned to them.

The business administrator shall ensure that funds collected as fees or fines are properly recorded and safeguarded. The superintendent shall be responsible for funds donated by the parent teacher association to the school for these purposes and also those generated by student activities that are deposited in the designated bank.

All charges to elementary and secondary students shall be kept at a minimum. No student shall be caused to suffer embarrassment because of financial inability to participate in any activity or project under control of the district.

The board, on recommendation of the superintendent, shall approve reasonable charges for admission to school-sponsored events.

Adopted: April 25, 2007, August 8, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

Gate Receipts; Charges for Supplies; Fees, Fines, Charges

Legal References: N.J.S.A. 18A:34-1 Textbooks; selection; furnished free with supplies; appropriations
N.J.S.A. 18A:34-2 Care and keeping of textbooks and accounting
N.J.S.A. 18A:37-3 Liability of parents or guardian of minor for damage to property
N.J.S.A. 18A:58-37.3 Purchase and loan of textbooks
N.J.A.C. 6A:23A-16.12 Student activity funds
N.J.A.C. 6A:23A-16.13 School store business practice
N.J.A.C. 6A:23A-20.6 Charge for textbook loss or damage
Ballato v. Long Branch Board of Education 1990 S.L.D. (August 20)

Possible

Cross References: *3453 School activity funds
*5131.5 Vandalism/violence
*6145.1/6145.2 Intramural competition; interscholastic competition
*6153 Field trips
*6200 Adult/community education

*Indicates policy is included in the Critical Policy Reference Manual.

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES;
SALE, LICENSING AND RENTAL OF PROPERTY

The Salem City Board of Education believes that the efficient administration of the district requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the school district. The board shall direct the superintendent to review periodically all district property and shall authorize the disposition by sale, licensing, rental or donation of any property not required for school purposes.

Real estate property shall be leased or disposed of by sale or otherwise, in accordance with law and Board resolution. Property, which consists of livestock or is perishable, shall be disposed of by the Superintendent of Schools in such manner as will be in the public interest and benefit the school district.

The superintendent shall develop rules for the disposition of property that ensure that all sales are conducted in a fair and open manner consistent with the public interest, at public sale to the highest bidder and in compliance with law.

Any district property designated for donation or unsold after such offer may be offered without cost to charitable or nonprofit organizations having a use for such property.

Supplies and equipment for specific programs, purchased with funds granted by the state and federal government, shall be disposed of in strict accordance with applicable law and regulations.

Adopted:	October 9, 1996, April 25, 2007, August 8, 2018
NJSBA Review/Update:	March 2022
Readopted:	October 12, 2022

Key Words

Sale of Property, Licensing, Rental, Donation to Private Organizations, Disposal of Property

Legal References:

<u>N.J.S.A.</u>	18A:7F-7(e)	Appropriation by school district of undesignated fund balance; amounts allowable
<u>N.J.S.A.</u>	18A:18A-45	Manner and method of sale (personal property)
<u>N.J.S.A.</u>	18A:20-2	Purchase and sale of property in general
<u>N.J.S.A.</u>	18A:20-5	Disposition of property and title of purchaser
<u>N.J.S.A.</u>	18A:20-6	Sale at public sale; exceptions
<u>N.J.S.A.</u>	18A:20-7	Sale at fixed minimum prices; rejection of bids
<u>N.J.S.A.</u>	18A:20-8.1	Transfer of land for vocational school purposes
<u>N.J.S.A.</u>	18A:20-8.2	Lease of land, or part or all of school building not necessary for school purpose; resolution; procedure
<u>N.J.S.A.</u>	18A:20-9	Conveyance of unneeded real estate for nominal consideration; qualified recipients; reversion
<u>N.J.S.A.</u>	18A:20-9.1	Conveyance of certain sewer lines to a municipality
<u>N.J.S.A.</u>	18A:20-9.2	Sale of school property to nonprofit schools for the handicapped
<u>N.J.S.A.</u>	54:4-3.6	Exemption of property of nonprofit organizations
<u>N.J.A.C.</u>	6A:26-7.4	Approval for the disposal of land

Possible

Cross References: *3220/3230 State funds; federal funds

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES;
SALE, LICENSING AND RENTAL OF PROPERTY (continued)

*3280	Gifts, grants and bequests
*3440	Inventories
*6171.3	At-risk and Title 1
*7110	Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3280

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

GIFTS, GRANTS AND BEQUESTS

Only the Salem City Board of Education may accept, for the school district, any bequest or gift or money, property or goods. All gifts shall be given to the school district, and not to a particular school program. At the discretion of the board, the gift may be used on a particular school project.

The board reserves the right to refuse to accept any gift that does not contribute to the achievement of district goals or could deplete the resources of the district.

Any gift accepted by the board or the superintendent shall become the property of the board, may not be returned without the approval of the board, and is subject to the same controls and regulations as are other properties of the board. The board shall be responsible for the maintenance of any gift it accepts, not including scholarships or memorial trust funds. Proposed gifts of equipment must be reviewed and approved for safety in the same manner in which a district-purchased is reviewed.

The board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to use any gift it accepts in the best interest of the educational program of the district. In no case shall acceptance of a gift be considered an endorsement by the board of a commercial product or business enterprise or institution of learning.

In general, teachers are not empowered to receive gifts on behalf of the schools. Prospective donors should be advised to consult the Superintendent of Schools.

The Board shall not take title to real estate in the event of a gift of same, without prior approval as required by law.

A letter of appreciation shall acknowledge each gift accepted by the Salem City Board of Education. Such appreciation shall in no case be considered as a testimonial or endorsement by the district of a product or enterprise.

Grants

Staff members are encouraged to seek out sources of grants and gifts, and bring them to the attention of the superintendent, who shall investigate the conditions of such grants and make recommendations to the board regarding the advisability of seeking them.

A complete budget breakdown must be submitted to the business office prior to drawing moneys from the grant.

Adopted: June 12, 2002, April 25, 2007, August 8, 2018
NJSBA Review/Update: March 2022
Readopted: October 12, 2022

Key Words

Gifts, Grants, Bequests

Legal References: N.J.S.A. 18A:6-33.1

GIFTS, GRANTS AND BEQUESTS (continued)

through -33.12	Incentive Grants
<u>N.J.S.A.</u> 18A:18A-15.1	Payment for goods or services; funds received from a bequest, legacy or gift
<u>N.J.S.A.</u> 18A:20-4	Acceptance and use of gifts
<u>N.J.S.A.</u> 18A:20-11	
through -16	Property devised in trust
<u>N.J.S.A.</u> 18A:29A-1	
through -7	<u>Governor's Annual Teacher Recognition Act</u>
<u>N.J.S.A.</u> 18A:71A-1 <u>et seq.</u>	Authority Structure and General Provisions
<u>N.J.S.A.</u> 18A:71B-1 <u>et seq.</u>	Student Financial Aid
<u>N.J.S.A.</u> 18A:71C-1 <u>et seq.</u>	Student Loans
<u>N.J.A.C.</u> 6A:26-7.4	Approval of land acquisition

Possible

<u>Cross References:</u>	*1230	School-connected organizations
	3200	Income
	*3220/3230	State funds; federal funds
	*3453	School activity funds
	*5126	Awards for achievement
	*6163.1	Media center/library

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

FUNDS MANAGEMENT/INVESTMENTS

When the Salem City Board of Education, due to unforeseen contingencies in the current account, receipt of state aid, funds in advance of construction, etc., is holding unencumbered cash balances, such funds shall be invested at interest.

Funds of the board may be invested in bonds or other obligations of the United States, bonds of certain federal agencies as specified by law, bonds or obligations of the County, municipality or school district, and public depositories located within the boundaries of the State of New Jersey, provided such depositories secure public funds in accordance with state law. Available school funds shall be legally invested to earn interest. Safety of the principal shall be considered before the high rate of interest return. Only investments deemed safe according to law shall be considered. Interest or other earnings on investments shall be credited to the specific fund as designated by state law. Interest or other earnings on investments shall be credited to the specific fund as designated by state law.

The use of student activities funds shall be limited to activities directly related to educational functions sanctioned and authorized by the Salem City Board of Education. Organizations such as parent-teacher associations or parent-citizen booster clubs, and groups that conduct events not sponsored by the Salem City Board of Education shall be expected to account for funds separately.

The board requires that the business administrator/board secretary report to the board annually the amount of fund investments, the types and amounts of each investment and the interest earned on each, and the transactions occurring since the last report.

The business administrator/board secretary shall include in the monthly report to the board all cash in all accounts on deposit as well as all investment assets of the board.

Investment of board funds is the responsibility of the business administrator/board secretary, as governed by applicable statutes, provided that no commitment of this board may be put in default.

Funds of the board may be withdrawn from approved public depositories, or negotiable instruments owned by the board may be sold prior to maturity at the discretion of the business administrator/board secretary acting within the law.

The interest earned on such investments shall be combined with the general revenues of the board.

Adopted: April 25, 2007
Revised: August 8, 2018
NJSBA Review/Update: March 2022
Readopted: October 12, 2022

Key Words

Surplus Funds, Investment, Depositories

<u>Legal References:</u>	<u>N.J.S.A.</u> 17:9-41	Financial institutions
	<u>N.J.S.A.</u> 17:12B-241	Insured accounts eligible investment for trust and public funds, and savings banks and as security
	<u>N.J.S.A.</u> 18A:7F-43 <u>et seq.</u>	School Funding Reform Act of 2008
	<u>N.J.S.A.</u> 18A:4-14	Uniform system of bookkeeping for school districts

FUNDS MANAGEMENT/INVESTMENTS (continued)

<u>N.J.S.A.</u> 18A:17-8	Secretary; collection of tuition and auditing of accounts
<u>N.J.S.A.</u> 18A:17-34	Receipt and disposition of moneys
<u>N.J.S.A.</u> 18A:17-35	Records of receipts and payments
<u>N.J.S.A.</u> 18A:20-37	Purchase of certain types of securities; definitions
<u>N.J.S.A.</u> 18A:22-8	Contents of budget; program budget system
<u>N.J.S.A.</u> 18A:24-47	Payment custodian; application
<u>N.J.S.A.</u> 18A:34-2	Care and keeping of textbooks and accounting
<u>N.J.A.C.</u> 6A:23A-16.1 <u>et seq.</u>	Double entry bookkeeping and GAAP accounting in local school districts
<u>N.J.A.C.</u> 6A:23A-8.1 <u>et seq.</u>	Budget submission, support documentation, website publication

Handbook 2R2 – Financial Accounting for Local and State School Systems

Possible

<u>Cross References:</u> *3100	Budget planning, preparation and adoption
*3326	Payment for goods and services
*3400	Accounts
*3450	Money in school buildings
*3451	Petty cash funds
*3453	School activity funds
*3570	District records and reports
*3571.4	Audit

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3320

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

PURCHASING PROCEDURES

The Salem City Board of Education wishes to establish and carry out a careful system of purchasing and accounting to help provide an effective program of education while guarding against loss due to carelessness, inefficiency, theft, or improper maintenance of records.

The duties of purchasing are to be centralized under the purchasing agent, who shall be familiar with and perform all his/her activities within the limitations prescribed by law, board policy and legal opinions.

The board of education encourages the administration to seek advantages in savings through joint agreements for the purchase of work, materials or supplies with the governing body(ies) of other contracting units within this county or adjoining counties or by other cooperative pricing arrangements. The administration shall also evaluate any savings, which may result from the purchase of any materials, supplies or equipment under contracts entered into by the state treasury department, division of purchase and property.

The board may use competitive contracting instead of public bidding for purchasing specialized goods and services, the price of which exceeds the bid threshold, for the purposes and with the conditions specified in law.

Recognizing the support of local area merchants and businesses in the many aspects of the programs of the school district that influence or involve them during each school term as well as the financial support through local taxes that these merchants and businesses provide to the school system, the Salem City Board of Education directs the administration to endeavor to solicit bids and proposals for goods and services from local merchants and businesses. The board reserves the right to award contracts for goods and services within the rules and regulations as set forth by the New Jersey State Board of Education and the New Jersey Legislature.

All purchases shall be approved by resolution of the board.

Nothing is to be ordered independently by school personnel. No one may commit the board to expenditures for which it has not given prior approval. In the event of an emergency requiring expenditures, the superintendent shall act in the best interests of the district and inform the board at the earliest opportunity so it may act at the next regular meeting.

The board of education shall not knowingly enter into contract with any company that does not subscribe to and implement a policy of non-discrimination. All vendors shall be informed that harassment of any kind of district pupils or employees by their representatives is prohibited. The board secretary shall be responsible for so informing all prospective suppliers of work or materials.

Adopted: June 12, 2002, February 14, 2005, April 25, 2007, August 8, 2018
NJSBA Review/Update: March 2022
Readopted: October 12, 2022

Key Words

Purchasing Procedures, "Set Aside" Contracts, Nondiscrimination, Affirmative Action, Vendors

PURCHASING PROCEDURES (continued)

<u>Legal References:</u>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>See particularly:</u>	
	<u>N.J.S.A. 10:5-31</u>	
	through -35	
	<u>N.J.S.A. 18A:18A-1 et seq.</u>	Public School Contracts Law
	<u>N.J.S.A. 18A:19-1 et seq.</u>	Expenditure of Funds; Audit and Payment of Claims
	<u>N.J.S.A. 52:32-44</u>	Business registration for providers of goods and services (definitions)
	<u>N.J.A.C. 6A:7-1.8</u>	Equity in employment and contract practices
	<u>N.J.A.C. 6A:23A-1.2</u>	Definitions
	<u>N.J.A.C. 6A:23A-16.5</u>	Supplies and equipment
	<u>N.J.A.C. 6A:23A-20.4</u>	Ownership and storage of textbooks
	<u>N.J.A.C. 6A:23A-21.1 et seq.</u>	Management of Public School Contracts
	<u>N.J.A.C. 6A:27-9.1 et seq.</u>	Contracting for Transportation Services
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	20 <u>U.S.C.A. 1681 et seq.</u> - Title IX of the Education Amendments of 1972	
	42 <u>U.S.C.A. 2000e et seq.</u> - Title VII of the <u>Civil Rights Act of 1964</u> as amended by the <u>Equal Employment Opportunities Act of 1972</u>	
	29 <u>U.S.C.A. 794 et seq.</u> - Section 504 of the <u>Rehabilitation Act of 1973</u>	

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	3300	Expenditures/expending authority
	*3326	Payment for goods and services
	*3327	Relations with vendors
	*3570	District records and reports
	3571	Financial reports

*Indicates policy is included in the Critical Policy Reference Manual.

CONTRACTS

The Salem City Board of Education will not enter into any contract with a person, agency, or organization if it has knowledge that the person, agency, or organization discriminates on the basis of race, color, creed, religion, sex, ancestry, national origin, age, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, pregnancy related disability, social or economic status, or non-job-related disability, either in employment practices or in the provision of benefits or services to students or employees.

Contracts shall be awarded to the lowest responsible bidder upon resolution of the board unless the board chooses to reject all bids in accordance with applicable statute, code and case law; to re-advertise; or to purchase under state contract. A responsible bidder shall be one who meets all the qualifications and specifications as mandated in the bid document unless disqualified by the attorney general.

Whenever two or more proposals or bids of equal amounts are the lowest proposals or bids submitted by responsible bidders, the board of education may award the contract to whichever one of the lowest bidders it may determine. In such a case, the award resolution or purchase order documentation shall explain why the vendor selected is the most advantageous.

The board shall consider the advantages of entering into a contract for more than one year when and as the law permits. All multiyear leases and contracts including any two-year or one-year extensions, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause. Exceptions include:

- A. Contracts for insurance coverage;
- B. Insurance consultant or administrative services;
- C. Participation or membership in a joint self-insurance fund;
- D. Risk management programs or related services of a school board insurance group;
- E. Participation in an insurance fund established by a county pursuant to N.J.S.A. 40A:10-6;
- F. Contracts for thermal energy authorized by law; and
- G. Contracts for the provision or performance of goods or services to promote energy conservation through the production of class I renewable energy, authorized pursuant to law.

For purchases that do not exceed the bidding threshold, written quotations shall be obtained as required by law.

All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the Public School Contracts Law. A contract

may be extended by mutual agreement of the parties to the contract when a board of education has commenced re-bidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

Adopted: April 25, 2007, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Contracts, Bid, Multiyear Contract, Lowest Responsible Bidder

<u>Legal References:</u>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:18A-1 et seq.</u>	Public School Contracts Law
	<u>N.J.S.A. 18A:18A-4.1</u>	Use of competitive contracting by boards of education; purposes
	<u>N.J.S.A. 18A:18A-5</u>	Exceptions to requirement for advertising
	<u>N.J.S.A. 18A:19-1 et seq.</u>	Expenditure of Funds; Audit and Payment of Claims
	<u>N.J.S.A. 18A:18A-36 thru 39</u>	Award of purchases, contracts or agreements
	<u>N.J.S.A. 18A:18A-42</u>	Multiyear contracts
	<u>N.J.S.A. 40A:10-6</u>	Establishment of insurance fund; purposes; Appropriations
	<u>N.J.S.A. 52:32-44</u>	Business registration for providers of goods and services (definitions)
	<u>N.J.A.C. 6A:7-1.8</u>	Equity in employment and contract practices
	<u>N.J.A.C. 6A:23A-1.2</u>	Definitions
	<u>N.J.A.C. 6A:23A-16.5</u>	Supplies and equipment
	<u>N.J.A.C. 6A:23A-21.1 et seq.</u>	Management of public school contracts
	<u>N.J.A.C. 6A:27-9.1 et seq.</u>	Contracting for transportation services
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the performance of school districts

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Possible

<u>Cross References:</u>	*3000/3010	Concepts and roles in business and noninstructional operations
	3300	Expenditures/expending authority
	*3320	Purchasing procedures
	*3326	Payment for good and services
	*3327	Relations with vendors
	*3570	District records and reports
	3571	Financial reports

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3326

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

PAYMENT FOR GOODS AND SERVICES

Before warrants signed by the president, board secretary and treasurer of school moneys may be issued in payment of bills or claims, the bill or claim must be properly audited and approved according to law.

In general, bills or claims shall be audited by the board secretary and approved by resolution of the Salem City Board of Education. However, in order to provide for the prompt payment to which vendors are entitled, and which leads to more effective competitive bidding and provision of services to the district, claims duly audited by the board secretary for items previously approved by the board or provided for in the budget may be approved by the superintendent or board president or designee. Such payments shall be reported to the board at the next regular meeting.

Items not previously approved by the board or provided for in the budget must be audited by the board secretary and presented for board approval.

Purchase Orders

The district will carefully monitor payments for invoice amounts that are greater than the approved purchase order. A new purchase order will be issued (and the original purchase order voided) only when the adjusted amount reasonably exceeds the original purchase order amount.

The board establishes the following approval process for any remittance of payment for invoice amounts greater than the approved purchase order issued by the board secretary/business administrator:

The board secretary/business administrator shall identify and investigate the reason(s) for any increase to a purchase order;

If it is determined that such an increase is warranted, the board secretary/business administrator shall either approve a revision to the original purchase order with the reason(s) noted, approve the issuance of a supplemental purchase order for the difference, or cancel the original purchase order and issue a new purchase order;

If it is found that such an increase is not warranted, the purchase order shall be canceled and the returned to the appropriate vendor;

In no instance shall an adjustment be made to a purchase order that changes the purpose or vendor of the original purchase order or a bid award price.

Financial Systems to Avoid Over-Payments

Pursuant to N.J.A.C. 6A:23A-6.10, the district will program its financial systems to avoid over-payments by:

- A. Limiting system access so that only appropriate staff may make purchase order adjustments;
- B. Rejecting adjustments in excess of any established approved thresholds;
- C. Preventing unauthorized changes to be processed;

PAYMENT FOR GOODS AND SERVICES (continued)

- D. Rejecting payments where the sum of the invoice amount plus any previous invoices charged to the purchase order exceeds the sum of the original purchase order;
- E. Rejecting duplicate invoice numbers;
- F. Rejecting duplicate purchase order numbers;
- G. Preparing an edit/change report listing all payments made in excess of the approved purchase order amount.

The business administrator shall review on a monthly basis edit/change reports listing all payments made in excess of the originally approved purchase order amount to ensure that all payments are properly authorized.

Adopted: January 11, 2006, April 25, 2007
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Payment for Goods and Services, Bills

Legal References: N.J.S.A. 18A:19-1 Expenditure of funds on warrant only; requisites
N.J.S.A. 18A:19-2 Requirements for payment of claims; audit of claims in general
N.J.S.A. 18A:19-3 Verification of claims
N.J.S.A. 18A:19-4 Audit of claims, etc., by secretary; warrants for payment
N.J.S.A. 18A:19-4.1 Account or demand; audit; approval
N.J.S.A. 18A:19-9 Compensation of teachers, etc., payrolls
N.J.S.A. 18A:22-8.1 Transfer of amounts among line items and program categories
N.J.A.C. 6A:23A-6.10 Financial system and payment approval process
N.J.A.C. 6A:23A-16.8 Petty cash funds

Possible

Cross References: *3320 Purchasing procedures
 *3451 Petty cash funds
 *3453 School activity funds
 4142/4242 Salary checks and deductions

*Indicates policy is included in the Critical Policy Reference Manual.

RELATIONS WITH VENDORS

The Salem City Board of Education wishes to maintain good working relations with vendors who supply materials and services to the school system. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged.

In the schools, vendors shall be seen by appointment only. Vendors who call upon a school shall be governed by policy 1250 Visitors. Teachers or supervisors of instruction who have invited vendors to call should notify the principal's office in advance so that proper courtesies may be extended.

No agents, canvassers, or vendors shall have access to teachers during their classes. No business concern which solicits or gains business through the school system shall use school facilities for this purpose.

Nondiscrimination

All vendors shall supply assurances that they do not practice discrimination as described in the administrative code. All vendors shall be informed that harassment of any kind of district students or employees by their representatives is prohibited.

Affirmative Action

If awarded a contract, all companies/firms will be required to comply with the requirements of N.J.S.A. 10: 5-31 et seq. and N.J.A.C. 17:27. During the performance of any awarded contract, the contractor or subcontractor, where applicable, will:

- A. Agree that it will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex;
- B. Such equal employment opportunity shall include, but not be limited to the following: employment, including apprenticeship, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, post in conspicuous places, available to employees and applicants for employment, notices to be provided by the public agency compliance officer setting forth provisions of this nondiscrimination clause;
- C. Where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex;
- D. Will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment;

RELATIONS WITH VENDORS (continued)

- E. Comply with any regulations promulgated by the Treasurer pursuant, as amended and supplemented from time to time and the Americans with Disabilities Act;
- F. Make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with law and regulation;
- G. Inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities and labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.;
- H. Revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions;
- I. Review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

Honest and Ethical Relations with Vendors; Pay to Play Restrictions

The district shall maintain honest and ethical relations with vendors and shall guard against favoritism, improvidence, extravagance and corruption in its contracting processes and practices. The school board will not vote upon or award a contract in the amount of \$17,500 or greater to any business entity which has made a reportable contribution to a member of the district board of education during the previous one-year period. Such contributions, to any member of the school board, from any entity doing business with the district are prohibited during the term of the contract, including contributions by a vendor's spouse or child, or contributions by any person having an interest in the business entity. Disclosure of contributions shall be made when contracts are required by law to be publicly bid. However, these limitations do not apply when a district emergency requires the immediate delivery of goods or services.

Disbarred Vendors Will Not Be Used

When acquiring goods and services under federally sponsored programs, the school district will not contract with a vendor who is currently either debarred or suspended from doing business with the Federal government. Prior to contract award, and in accordance with Federal requirements, the business administrator will check the Federal Excluded Parties List System (EPLS) to ensure that the prospective contractor is not found in the EPLS. Results from the EPLS search shall be made part of the purchase order/contract documentation. Should a prospective vendor be found to be debarred or suspended by the Federal government, the business administrator's office will notify the superintendent of this finding and will place a hold on the supplier's registration within the school district financial system.

Strategies to Avoid Excessive Professional Services Expenditures

The board will seek to avoid excessive professional services expenditures, such as by:

- A. Establishing a maximum dollar limit, for budgetary purposes;
- B. Following state legal requirements and procedures to obtain the highest quality services at a fair and competitive price or through a shared service arrangement. This may include issuance of such contracts

RELATIONS WITH VENDORS (continued)

through a request for proposals (RFP) based on cost and other specified factors or other comparable process such as the use of the “fair and open process” as defined in N.J.S.A. 19:44A-20.7; and

- C. Limiting professional services contracts to non-recurring or specialized work for which the district does not possess adequate in-house resources or expertise.

Prudent Use of Legal Services

All contracts for legal services must comply with the payment requirements and restrictions set forth in N.J.S.A. 18A:19-1 as follows:

- A. Advance payments for legal services are prohibited;
- B. Services to be provided shall be described in detail in the contract;
- C. Invoices for payment shall itemize the services provided for billing period; and
- D. Payment shall only be for services actually provided.

If at any time the district’s legal costs exceed 130 percent of the statewide average per student amount, the procedures set forth in N.J.A.C. 6A:23A-5.2(a)3 will be implemented, unless evidence can be provided that such procedures would not result in a reduction of cost.

These procedures require the district to:

- A. Limit and designate the persons with the authority to request services or advice from contracted legal counsel;
- B. Legal counsel will not be used unnecessarily to make management decisions or to obtain readily available information such as district policies;
- C. Requests for legal advice shall be made in writing; and
- D. Contact logs and records shall be kept and reviewed to determine that the requests for legal advice are necessary.

Adopted: April 25, 2007, April 10, 2013, August 9, 2017
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Vendors, Sexual Harassment, Harassment, Nondiscrimination, Affirmative Action

<p><u>Legal References:</u> <u>N.J.S.A. 10:5-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 10:5-31</u> through -35 <u>N.J.S.A. 18A:6-8</u> <u>N.J.S.A. 18A:11-1</u> <u>N.J.S.A. 18A:12-2</u></p>	<p>Law Against Discrimination Interest of school officers, etc., in sale of textbooks or supplies, royalties General mandatory powers and duties Inconsistent interests or office prohibited</p>
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RELATIONS WITH VENDORS (continued)

<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
<u>N.J.S.A.</u> 18A:18A-1 <u>et seq.</u>	Public School Contracts Law
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 52:32-44	Business registration for providers of goods and services
<u>N.J.A.C.</u> 6A:7-1.8	Equality in employment and contract practices
<u>N.J.A.C.</u> 6A:23A-5.2	Public relations and professional services; board policies; efficiency
<u>N.J.A.C.</u> 6A:23A-6.3	Contributions to board members and contract awards
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*1250	Visitors
	1313	Gifts to district employees
	*1330	Use of school facilities
	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4119.21/4219.21	Conflict of interest
	*9270	Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

RELATIONS WITH VENDORS

The board of education wishes to maintain good working relations with vendors who supply materials and services to the school system. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged.

In the schools, vendors shall be seen by appointment only. Vendors who call upon a school shall be governed by policy 1250 Visitors. Teachers or supervisors of instruction who have invited vendors to call should notify the principal's office in advance so that proper courtesies may be extended.

No agents, canvassers, or vendors shall have access to teachers during their classes. No business concern which solicits or gains business through the school system shall use school facilities for this purpose.

Nondiscrimination

All vendors shall supply assurances that they do not practice discrimination as described in the administrative code. All vendors shall be informed that harassment of any kind of district pupils or employees by their representatives is prohibited.

Honest and Ethical Relations with Vendors; Pay to Play Restrictions

The district shall maintain honest and ethical relations with vendors and shall guard against favoritism, improvidence, extravagance and corruption in its contracting processes and practices. The school board will not vote upon or award a contract in the amount of \$17,500 or greater to any business entity which has made a reportable contribution to a member of the district board of education during the previous one-year period. Such contributions, to any member of the school board, from any entity doing business with the district are prohibited during the term of the contract, including contributions by a vendor's spouse or child, or contributions by any person having an interest in the business entity. Disclosure of contributions shall be made when contracts are required by law to be publicly bid. However, these limitations do not apply when a district emergency requires the immediate delivery of goods or services.

Disbarred Vendors Will Not Be Used

When acquiring goods and services under federally sponsored programs, the school district will not contract with a vendor who is currently either debarred or suspended from doing business with the Federal government. Prior to contract award, and in accordance with Federal requirements, the business administrator or contracting specialist will check the System for Award Management (SAM) to ensure that the prospective contractor is not found in the SAM. Results from the SAM search shall be made part of the purchase order/contract documentation. Should a prospective vendor be found to be debarred or suspended by the Federal government, the business administrator's office will notify the chief school administrator of this finding and will place a hold on the supplier's registration within the school district financial system.

Strategies to Avoid Excessive Professional Services Expenditures

The board will seek to avoid excessive professional services expenditures, such as by:

- A. Establishing a maximum dollar limit, for budgetary purposes;
- B. Following state legal requirements and procedures to obtain the highest quality services at a fair and competitive price or through a shared service arrangement. This may include issuance of such contracts through a request for proposals (RFP) based on cost and other specified factors or other comparable process such as the use of the "fair and open process" as defined in N.J.S.A 19:44A-20.7; and

RELATIONS WITH VENDORS (continued)

- C. Limiting professional services contracts to non-recurring or specialized work for which the district does not possess adequate in-house resources or expertise.

Prudent Use of Legal Services

All contracts for legal services must comply with the payment requirements and restrictions set forth in N.J.S.A. 18A:19-1 as follows:

- A. Advance payments for legal services are prohibited;
- B. Services to be provided shall be described in detail in the contract;
- C. Invoices for payment shall itemize the services provided for billing period; and
- D. Payment shall only be for services actually provided.

If at any time the district's legal costs exceed 130 percent of the Statewide average per pupil amount, the procedures set forth in N.J.A.C. 6A:23A-5.2(a)3 will be implemented, unless evidence can be provided that such procedures would not result in a reduction of cost.

These procedures require the district to:

- A. Limit and designate the persons with the authority to request services or advice from contracted legal counsel;
- B. Legal counsel will not be used unnecessarily to make management decisions or to obtain readily available information such as district policies;
- C. Requests for legal advice shall be made in writing; and
- D. Contact logs and records shall be kept and reviewed to determine that the requests for legal advice are necessary.

Adopted: April 25, 2007, April 10, 2013, August 9, 2017
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	<u>See particularly:</u>	
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	through -35	
	<u>N.J.S.A. 18A:6-8</u>	Interest of school officers, etc., in sale of textbooks or supplies, royalties
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-2</u>	Inconsistent interests or office prohibited
	<u>N.J.S.A. 18A:12-21 et seq.</u>	<u>School Ethics Act</u>
	<u>N.J.S.A. 18A:18A-1 et seq.</u>	Public School Contracts Law
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 52:32-44</u>	Business registration for providers of goods and services

RELATIONS WITH VENDORS (continued)

<u>N.J.A.C.</u> 6A:7-1.8	Equality in employment and contract practices
<u>N.J.A.C.</u> 6A:23A-5.2	Public relations and professional services; board policies; efficiency
<u>N.J.A.C.</u> 6A:23A-6.3	Contributions to board members and contract awards
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*1250	Visitors
	1313	Gifts to district employees
	*1330	Use of school facilities
	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
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	*9270	Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3400

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

ACCOUNTS

Generally Accepted Accounting Principles

The superintendent shall ensure that generally accepted accounting principles (GAAP) are applied in preparing the budget and keeping all accounts of the district in accordance with code and statute.

All activity accounts in the school year are to be administered under the supervision of the board secretary/business administrator.

The accounting system shall be established according to state guidelines and reviewed by the auditor and include all generally accepted accounting practices considered necessary. These practices provide that all revenues of moneys shall be deposited intact in the bank within 24 hours of receipt.

No payments are to be made from these monies in cash. Payments are to be made only by check.

Food Service Account

The Salem City Board of Education directs that all moneys derived from the operation, maintenance or sponsorship of the food service facilities of this district be deposited in the food services account, a special checking account, and shall be administered by the board secretary/ business administrator in the same manner as are other moneys belonging to the district.

Cafeteria funds shall be expended in such manner as may be approved by the board, but no amount shall be transferred from the food services account to any other account or fund of this district, except as authorized by the board and in accordance with law.

Adopted: May 9, 2007, August 8, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

Bookkeeping, Accounting, Generally Accepted Accounting Principles

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:4-14	Uniform system of bookkeeping for school districts
	<u>N.J.S.A.</u> 18A:17-8	Secretary; collection of tuition and auditing of accounts
	<u>N.J.S.A.</u> 18A:17-35	Records of receipts and payments
	<u>N.J.S.A.</u> 18A:22-8	Contents of budget; program budget system
	<u>N.J.S.A.</u> 18A:34-2	Care and keeping of textbooks and accounting
	<u>N.J.A.C.</u> 6A:23A-8.1 <u>et seq.</u>	Annual Budget Development, Review and Approval
	<u>N.J.A.C.</u> 6A:23A-16.1 <u>et seq.</u>	Prescribed system of double-entry bookkeeping and GAAP accounting

Handbook 2R2 – Financial Accounting for Local and State School Systems

Possible

<u>Cross References:</u>	*3100	Budget planning, preparation and adoption
	*3326	Payment for goods and services
	*3450	Money in school buildings

ACCOUNTS (continued)

*3451	Petty cash funds
*3453	School activity funds
*3570	District records and reports
3571	Financial reports
*3571.4	Audit

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3440

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

INVENTORIES

The business administrator/board secretary shall maintain an accurate and complete inventory of all buildings, fixed equipment and contents, and their value, in order to offer proof of loss in the event of an insurance claim and to provide a continuous chain of accountability.

The inventory shall be updated to reflect new equipment and shall be verified in a cycle to coincide with the reissuance of insurance policies. Loss of any portable capital equipment of \$500.00 unit value or more shall be reported to the Salem City Board of Education. Consumable supplies shall be maintained on a continuous inventory basis.

Major discrepancies in inventories which are not resolved by proper accounting procedures shall be reported to the board.

The board shall determine when it is necessary to hire an outside service to assist in appraisal.

Adopted: September 8, 1998, May 9, 2007, August 6, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

Inventory, District Records and Reports

Legal Reference: N.J.S.A. 18A:11-2 Power to sue and be sued; reports; census of school children

N.J.A.C. 6A:23A-22.14 Standard operating procedures for business

Possible

Cross References: 3530 Insurance management
 *3570 District records and reports

*Indicates policy is included in the Critical Policy Reference Manual.

MONEY IN SCHOOL BUILDINGS

All funds from athletic events or other activities of student organizations collected by school district employees and by student treasurers under the auspices of the Salem City Board of Education shall be handled and accounted for pursuant to prudent business procedures and rules of the state board of education.

The superintendent or designee shall be responsible for the receipt and deposit of all funds collected in the schools and shall administer an accounting system for all such moneys.

In no case shall money be left overnight in schools.

The school cannot assume responsibility for money left in an individual teacher's classroom overnight. Money brought to the school office must be handed directly to the secretary.

Lost and/or stolen money shall be replaced by the person responsible.

Adopted: May 9, 2007, August 8, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

Money in School Buildings, Student Organizations, Athletic Funds

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:17-34	Receipt and disposition of moneys
	<u>N.J.S.A.</u> 18A:19-13	Petty cash funds
	<u>N.J.S.A.</u> 18A:19-14	Funds derived from student activities
	<u>N.J.S.A.</u> 18A:23-2	Scope of audit
	<u>N.J.A.C.</u> 6A:23A-16.8	Petty cash fund
	<u>N.J.A.C.</u> 6A:23A-16.12	Student activity funds
	<u>N.J.A.C.</u> 6A:23A-16.13	School store business practices

Possible

<u>Cross References:</u>	*3250	Income from fees, fines, charges
	3293	Depositories
	*3400	Accounts
	*3451	Petty cash funds
	*3453	School activity funds
	3571	Financial reports
	*3571.4	Audit
	*5136	Fund-raising activities
	6145.4	Public performances and exhibitions

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PETTY CASH FUNDS

The Salem City Board of Education authorizes the establishment of petty cash accounts by annual resolution in accordance with this policy and directs the implementation of appropriate controls to protect the funds from abuse. The resolution will include:

- A. The amount or amounts authorized for each petty cash fund;
- B. The maximum expenditure that may be made from each fund; and
- C. The individual designated by the board who shall be responsible for the disposition of each fund.

The designated person(s) shall report to the board the amounts disbursed from each account periodically, but not less than annually, as directed by the board, and will return all unused petty cash funds to the depository at the end of the fiscal year. All petty cash funds shall be established by board-approved voucher. Petty cash funds and disbursements will be audited as part of the annual financial audit.

Petty cash must be secured daily.

Each request for petty cash funds must be in writing and must be signed by the person making the request. Supporting documentation will be affixed to the request.

Funds are to be used for emergencies and small purchases only and not to subvert the intent of the regular purchasing procedures or for routine expenditures. No single expenditure shall exceed the amount determined by the board in its resolution, and all expenditures must be authorized by the designated individual.

Adopted: January 12, 1994, June 2, 2002, May 9, 2007
NJSBA Review/Update: March 2022
Readopted: October 12, 2022

Key Words

Petty Cash

Legal References: N.J.S.A. 18A:19-13 Petty cash funds
N.J.S.A. 18A:23-2 Scope of audit
N.J.A.C. 6A:23A-16.8 Petty cash fund

Possible

Cross References: *3320 Purchasing procedures
*3326 Payment for goods and services
3571 Financial reports
3571.3 Annual financial statement

*Indicates policy is included in the Critical Policy Reference Manual.

SCHOOL ACTIVITY FUNDS

The Salem City Board of Education hereby authorizes the establishment and maintenance of a student activities account at each school. The building principal shall be responsible for the proper administration of the financial activities of each student activity account in his/her assigned school and in accord with the provisions of state law and appropriate school district accounting practices and procedures.

All monies collected shall be deposited in the student activities account shall have the signature of the faculty sponsor and the building principal or designee responsible for the student activities account. The Business Administrator shall oversee the account in accordance with the New Jersey Administrative Code.

The student activity fund will include moneys collected for and dedicated for, but not limited to, student government, clubs, publications, school trips, the school band and orchestra, and other activities. All funds collected must be turned in to the school office within 24 hours of collection and must be deposited within 48 hours of collection.

Moneys raised by student organizations must be expended for the benefit of students. The Superintendent of Schools or designee shall be responsible for developing guidelines for the accounting of student activities funds within each school.

All moneys accumulated in the account of a specific activity will, upon the discontinuation of the activity revert to the student activity fund.

All moneys accumulated in the account of a specific class upon graduation shall be withdrawn by that class.

The Salem City Board of Education additionally directs the establishment of an athletic fund. Moneys may be collected and disbursed only for the interscholastic athletic program duly approved by the Board of Education.

The Athletic Director shall be responsible for the administration of the athletic fund. The books of account will include income and expenses separately for each approved athletic program.

All gate receipts must be turned in to the Athletic Director within 24 hours of collection and must be deposited on the day they are received.

Within four weeks of the conclusion of each athletic program, the Athletic Director shall submit a complete inventory of all equipment and supplies to the Board Secretary/Business Administrator.

The athletic fund and each school's student activity funds shall be kept in separate accounts/ Separate and complete records shall be maintained for each student organization. All receipts from student fund-raising projects, athletic events, and other events for which admission is charged will be deposited promptly. Bank deposits shall agree with the receipts in the case receipt book and shall be traceable to definite receipts or groups of receipts.

Disbursements must be made by check signed by the building principal or athletic director and supported by a claim, bill or written order to persons supervising the fund. Checks shall bear two or more authorized signatures. All disbursements shall be recorded chronologically showing the date, vendor, check number, purpose and amount.

SCHOOL ACTIVITY FUNDS (continued)

Borrowing from the student activity accounts is prohibited.

An account shall be submitted monthly to the business administrator/board secretary and shall include a listing of all receipts and disbursements. Book balances shall be reconciled with bank balances. Cancelled checks and bank statements shall be retained for examination as part of the annual audit required by law and code.

Each fund will be administered under appropriate accounting controls and according to rules of the state board of education.

Reserves may be carried over from year to year as necessary for the beginning of the following year's operation.

The annual school district audit shall include an audit each fund established pursuant to this policy. Payment for audits shall be made from district funds.

Each fund will be administered under appropriate accounting controls and according to rules of the state board of education.

Reserves may be carried over from year to year as necessary for the beginning of the following year's operation.

Adopted:	January 13, 1993, June 12, 2002, May 9, 2007
NJSBA Review/Update:	March 2022
Readopted:	October 12, 2022

Key Words

School Activity Funds, Athletic Funds, Class Funds

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:19-14	Funds derived from student activities
	<u>N.J.S.A.</u> 18A:23-2	Scope of audit
	<u>N.J.A.C.</u> 6A:23A-16.1 <u>et seq.</u>	Prescribed system of double-entry bookkeeping and
	<u>See particularly:</u>	GAAP accounting
	<u>N.J.A.C.</u> 6A:23A-16.12(c)	School activity funds

Possible

<u>Cross References:</u>	*3280	Gifts, grants and bequests
	*3400	Accounts
	*3450	Money in school buildings
	3571	Financial reports
	*3571.4	Audit
	*5136	Fund-raising activities

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

OPERATION AND MAINTENANCE OF PLANT

The Salem City Board of Education is responsible for providing school facilities that are safe from hazards; sanitary; properly equipped, lighted and ventilated; and aesthetically suited to promoting the goals of the district. School buildings and site accommodations shall include provisions for individuals with disabilities pursuant to law and regulations.

The superintendent shall ensure the development and enforcement of detailed regulations for the safe and sanitary operation, including for the prevention of accidents and fire, in all the buildings and grounds. The regulations shall be reviewed and adopted by the board and provided to all staff annually at the beginning of each school year and when any revisions are formulated.

The district shall ensure barrier free access for all students, staff and visitors to school facilities.

The day-to-day cleanliness of the school facilities shall be the responsibility of the superintendent or /designee.

Safety

The district will instruct pupils in safety and accident prevention; provide protective devices and where they are required by law for the safety of pupils and employees; and provide suitable and safe equipment where such equipment is necessary for the operation of the school.

District regulations shall provide procedures and precautions for the safety of pupils in school, employees in the performance of their duties, users of school vehicles, pupils in transit to and from school, injured pupils and employees, and visitors to the school. Safety regulations shall be promulgated to all school employees and shall be reviewed and evaluated annually. The Superintendent of Schools is directed to instruct teaching staff members in property safety precautions.

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

Building records and funds shall be kept in a safe place and under lock and key as appropriate and necessary.

Protective devices, including those designated for electronic devices, designed to be used as safeguards against illegal entry and vandalism may be installed when appropriate. The Board may approve the employment of security guards in situations in which special risks are involved.

Maintenance Plan

The superintendent and business administrator shall develop a multiyear comprehensive maintenance plan for board approval, to be updated annually.

The regulations shall also include procedures for encouraging students, parent organizations and the community to participate in the beautification of school grounds. The superintendent shall also develop and implement a maintenance program that includes:

OPERATION AND MAINTENANCE OF PLANT (continued)

- A. A regular summer program of facilities repair and conditioning;
- B. Critical spare parts inventory where necessary;
- C. A long-range program of building maintenance

Work Order System

The school district shall have an automated work order system for prioritizing, performing and recording all maintenance and repair request for all district buildings and grounds.

- A. The superintendent or designee shall establish in the standard operating procedures for business functions the approval and prioritization of work order requests which take into account the health and safety of building occupants, priorities and objectives established annually to carry out the district Strategic Plan, the need for the work requested, and other factors the district deems appropriate;
- B. The work order system shall include the following information for a request for work before work begins, except in an emergency where the work is necessary to correct a situation that poses an imminent threat to the health or safety of building occupants:
 - 1. The name of the person making the request;
 - 2. The date of the request;
 - 3. The appropriate approval(s) as established by Standard Operating Procedures (SOP);
 - 4. The date of approval(s);
 - 5. The location of work requested;
 - 6. The priority level (for example, urgent, high, average, low);
 - 7. The scheduled date(s) of service;
 - 8. The trade(s) needed such as general maintenance worker; custodian; carpenter; plumber; electrician; heating, ventilation and air conditioning (HVAC); grounds; roofer; masonry; glazer; other;
 - 9. A description of the work requested;
 - 10. A projection of the materials and supplies needed for the work;
 - 11. The estimated hours needed to complete task;
 - 12. The name of the work order assigner; and
 - 13. The name of the employee(s) working on the order.
- C. The work order system shall include the following close-out information for each request for work:
 - 1. The actual hours worked by date for each assigned staff member;
 - 2. The actual hourly rate paid, both regular and over-time, for each assigned staff member;
 - 3. The aggregate cost of labor by regular, over-time and total;
 - 4. The actual materials and supplies needed to complete the work order;
 - 5. Actual cost of materials and supplies; and
 - 6. The name of the employee responsible for attesting that the job was completed satisfactorily.
- D. Except where prohibited by collective bargaining agreement, the SOP shall require for any work, which cannot be completed during regular working hours by the needed completion date, an assessment of the cost-benefit of outsourcing any such work in excess of the quote threshold as determined under N.J.S.A. 18A:18A-37;
- E. Where, according to the assessment, the cost of outsourcing work is less than the in-house estimated cost of labor, at over-time rates, and materials for the same work, the work shall be outsourced provided the work can be contracted in accordance with N.J.S.A. 18A:18A-1 et seq., completed by the projected completion date contained in the prioritized work order system and does not violate the terms of the collective bargaining agreement for maintenance workers and/or custodians;

OPERATION AND MAINTENANCE OF PLANT (continued)

- F. The business administrator/board secretary in consultation with the supervisor responsible for this work shall conduct an analysis of the information in the work order system no later than February 1 of the prebudget year for consideration during budget preparation. The analysis should include productivity of staff as a whole and individually, significant variations between estimated labor time and materials and actual labor time and materials, unusual trends for like projects and other factors that will improve productivity and efficiency.

Safe Drinking Water

The board of education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds in accordance with the Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq., N.J.A.C. 6A:26-6, and N.J.A.C. 7:10 et seq.). In accordance with law and board policy 3516 Safety, the board shall test all drinking water outlets, make the results publicly available and notify parents/guardians and the New Jersey Department of Education.

The board of education directs the superintendent to ensure the development of lead sampling plan with sample collection is consistent with the district's Quality Assurance Project Plan (QAPP) and to ensure that QAPP is signed by the laboratory certified to sample the district's water, the individual responsible for conducting the sampling and is presented to the board for signature.

Within 24-hours after the board has reviewed and verified the final laboratory results of the sampling, the board shall ensure that test results are publicly available at the school facility and on the board's website. If any laboratory results exceed the permissible lead action level, the board shall provide written notification to the parents/guardians of all students attending that facility as well as to the Department of Education. The notice must include measures taken to curtail immediately the use of any drinking water outlet where lead levels exceed the permissible action level, measures taken to ensure that alternate drinking water is available to all students and staff, and information regarding the health effects of lead.

Within six years of the adoption of this policy, and within each six-year period thereafter, the board must test all drinking water outlets; sampling shall be prioritized in facilities previously identified with excessive lead results or identified as high risk in the sampling plan.

Annually, the board must submit to the Department of Education, a statement of assurance that lead testing was completed in accordance with existing Department of Education regulations and that where required, alternate drinking water is available to students and staff.

Integrated Pest Management

The New Jersey School Integrated Pest Management Act of 2002 requires schools to implement a school integrated pest management policy. As per this policy, the board and the superintendent shall implement Integrated Pest Management (IPM) procedures to control pests and minimize exposure of children, faculty, and staff to pesticides. Each school shall develop and maintain an IPM plan as part of the school's policy.

Integrated Pest Management Procedures in Schools

Implementation of IPM procedures will determine when to control pests and whether to use mechanical, physical, cultural, biological or chemical methods. Applying IPM principles prevents unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment.

Each school shall consider the full range of management options, including no action at all. Non-pesticide pest management methods are to be used whenever possible. The choice of using a pesticide shall be based on a review of all other available options and a determination that these options are not effective or not

OPERATION AND MAINTENANCE OF PLANT (continued)

reasonable. When it is determined that a pesticide must be used, low impact pesticides and methods are preferred and shall be considered for use first.

Development of IPM plans

The school IPM plan is a blueprint of how each school will manage pests through IPM methods. The school's IPM plan states the school's goals regarding the management of pests and the use of pesticides. It reflects the school's site-specific needs. The IPM plan shall provide a description of how each component of the school IPM policy will be implemented at the school. The superintendent, in collaboration with the school building administrator, shall be responsible for the development of the IPM plan for this school.

IPM Coordinator

The superintendent or designee shall designate an integrated pest management coordinator, who is responsible for the implementation of the school integrated pest management policy.

Education/Training

The school community will be educated about potential pest problems and IPM methods used to achieve the pest management objectives.

The IPM coordinator, other school staff and pesticide applicators involved with implementation of the school IPM policy will be trained in appropriate components of IPM as it pertains to the school environment.

Students, parents/guardians will be provided information on this policy and instructed on how they can contribute to the success of the IPM program.

Record Keeping

Records of pesticide use shall be maintained on site to meet the requirements of the state regulatory agency and the school board.

Records shall also include, but are not limited to, pest surveillance data sheets and other non-pesticide pest management methods and practices utilized.

Notification/Posting

The superintendent or designee is responsible for timely notification to students' parents or guardians and the school staff of pesticide treatments pursuant to the School IPM Act.

Re-entry

Re-entry to a pesticide treated area shall conform to the requirements of the School IPM Act.

Pesticide applicators

The IPM coordinator shall ensure that applicators follow state regulations, including licensing requirements and label precautions, and must comply with all components of the School IPM Policy.

Evaluation

Annually, for public schools, the superintendent will report to the board on the effectiveness of the IPM plan and make recommendations for improvement as needed. The board directs the superintendent to develop

OPERATION AND MAINTENANCE OF PLANT (continued)

regulations/procedures for the implementation of this policy.

Indoor Air Quality Standards

The board will provide for air quality in the school building that meet the standards established by the New Jersey Department of Labor.

The board designates the business administrator as the individual who is responsible to ensure compliance with New Jersey Department of Labor standards. The business administrator will ensure that preventative maintenance programs for heating, ventilation, and air-conditioning (HVAC) systems are implemented and documented and that general and local exhaust ventilation is used for employees working with equipment or hazardous chemicals or particulate exposure and that HVAC systems are working properly when the building temperatures are outside the range of 68° to 79° Fahrenheit and make sure that buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational. He/she will also promptly investigate all employee complaints of signs or symptoms that may be associated with building-related illnesses.

Air quality will be maintained at acceptable standards during renovation and remodeling that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health. The business administrator will notify employees at least 24 hours in advance or promptly in emergency situations of work to be performed in the building that may induce air contaminants into their work areas.

The business administrator will respond to a complaint received by the Department of Labor within 15 working days of the receipt of the complaint.

Hazardous Substances

The board will comply with laws governing hazardous substances in the school district. Employees shall be informed of the hazards associated with the handling of certain substances and trained to work safely with hazardous substances.

Employees shall be informed of the hazards associated with the handling of certain substances and trained to work safely with hazardous substances.

For the purposes of this policy, "hazardous substances" means any substance or substance in a mixture included on the hazardous substance list developed by the New Jersey Department of Health and Senior Services. Hazardous substances shall not include:

1. Any article containing a hazardous substance if the hazardous substance is present in a solid form that does not pose any acute or chronic health hazard to any person exposed to it;
2. Any hazardous substance constituting less than 1% of a mixture unless the hazardous substance is present in an aggregate amount of 500 pounds or more in a container;
3. Any hazardous substance that is a special health hazardous substance constituting less than the threshold percentage established by the Department of Health and Senior Services for that special health hazardous substance when present in a mixture;
4. Any hazardous substance present in the same form and concentration as a product packaged for distribution and use by consumers and which is not a product intended for commercial use;
5. Any fuel in a motor vehicle;
6. Tobacco or tobacco products;
7. Wood or wood products;
8. Foods, drugs or cosmetics;
9. Hazardous substances that are an integral part of a building's structure or furnishings;

OPERATION AND MAINTENANCE OF PLANT (continued)

10. Products that are personal property and are intended for personal use; and,
11. Any substance used in the routine maintenance, including the heating or cooling of the facilities.

No person shall use or allow the use of any hazardous substance in or on the facilities when children are expected to be present.

The superintendent may delegate authority for the maintenance of hazardous substances and for the development of safety and training standards for the handling of such substances to a safety officer.

The business administrator shall conduct periodic audits of hazardous substances in use in the district, ensure that substances are being handled in accordance with appropriate safety requirements, and determine that the employees who are required to handle hazardous substances are properly equipped to do so.

The business administrator shall inform the superintendent of all hazardous substances in use in the district, the purpose of each, and the precautions required for each. The Superintendent of Schools shall take such action as may be necessary and feasible to minimize the use of hazardous substances in the district.

The Superintendent of Schools shall report periodically to the Salem City Board of Education on hazardous substances in the district and the purpose of each.

Adopted: May 9, 2007, December 9, 2009
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Operation and Maintenance of Plant, Buildings and Grounds, Maintenance

Legal References: N.J.S.A. 13:1F-19

through -33

N.J.S.A. 18A:17-49

through -52

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

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

N.J.S.A. 18A:22-8

N.J.S.A. 34:5A-1 et seq.

N.J.S.A. 34:6A-25 et seq.

N.J.S.A. 58:12A-1 et seq.

N.J.A.C. 5:23-1 et seq.

N.J.A.C. 6A:23A-1 et seq.

See Particularly:

N.J.A.C. 6A:23A-6.9

N.J.A.C. 6A:26-12.1 et seq.

See particularly:

N.J.A.C. 6A:26-12.2(a)1, 2

N.J.A.C. 6A:26-12.4

N.J.A.C. 6A:30-1.1 et seq.

N.J.A.C. 7:10-1 et seq.

N.J.A.C. 7:30-13.1 et seq.

School Integrated Pest Management Act

Buildings and grounds supervisors to be certified

Public schools contracts law

Award of purchases, contracts, agreements

Contents of budget; format

Worker and Community Right to Know Act

New Jersey Public Employees Occupational Safety and Health Act

Safe Drinking Water Act

The uniform construction code

Fiscal accountability, efficiency and budgeting procedures

Facilities maintenance and repair schedule and accounting

Operation and Maintenance of Facilities

Safe drinking water

Evaluation of the Performance of School Districts

Safe Drinking Water Act

Integrated Pest Management

OPERATION AND MAINTENANCE OF PLANT (continued)

20 U.S.C.A. 4071 et. seq. Equal Access Act

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Possible

<u>Cross References:</u>	*1410	Local units
	*2240	Research, evaluation and planning
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	*3516	Safety
	*5141	Health
	6161	Equipment, books and materials
	*7110	Long-Range facilities planning
	*9130	Committees

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3514

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

EQUIPMENT

Equipment purchased by the Salem City Board of Education is intended for support of the educational program.

The superintendent shall oversee the maintenance of all district educational and noneducational equipment in safe working condition. No employee or student shall use equipment found unsafe. Equipment use during school hours shall be properly supervised by appropriate teaching staff.

The administration shall develop procedures for providing routine maintenance by outside contractors for specialized or complicated equipment as necessary and for utilizing local maintenance employees whenever feasible and economical for maintenance and repair of furniture and less specialized equipment.

Specific items of equipment may be loaned or rented for community use after a written request is made to and approval granted by the superintendent. The user of district-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use. He/she shall be responsible for its safe return.

When equipment authorized for loan requires the services of an operator, the user shall employ the services of a person designated by the district and shall pay such costs as have been set for his/her hire.

The board shall not be responsible for any loss, damage or injury liability or expense that may arise during, or be caused in any way by, such use of district equipment.

School equipment may be removed from school property by students or staff members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the principal is required for such removal.

Removal of school equipment from school property for personal use is prohibited.

Adopted: May 9, 2007, August 8, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

Loaning District Equipment

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:26-12.1 Policies and procedures for school facility operation

Possible

Cross References: *1330 Use of school facilities
*1410 Local units
*3250 Income from fees, fines, charges
*3510 Operation and maintenance of plant

EQUIPMENT (continued)

*3516	Safety
3530	Insurance management
4143	Extra pay for extra work
*4147/4247	Employee safety
4243	Overtime pay
*5142	Student safety

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

<u> </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Cross References: *1250 Visitors

SMOKING PROHIBITION (continued)

- *1330 Use of school facilities
- *4119.23 Employee substance abuse
- *4219.23 Employee substance abuse
- *5131.6 Drugs, alcohol, tobacco (substance abuse)

*Indicates policy is included in the Critical Policy Reference Manual.

SAFETY

The superintendent shall develop rules governing school safety, which shall include but not be limited to: student safety in school; care of injured students; vehicle safety programs; plant safety including removal and/or encapsulation of asbestos; labeling and storage of hazardous substances; emergency procedures; student safety in transit to and from school; and eye protection. In addition, students shall be provided with safety instruction in accordance with the law.

Use and Storage of Hazardous Substances

The Salem City Board of Education shall not allow the use of any hazardous substances in or on any of the buildings or grounds of this district when children are present, except in emergencies. A list of substances that are legally exempted from this requirement can be obtained from the superintendent.

The superintendent shall inform the board when hazardous substances may be used when children are present, and the board shall determine if an emergency situation exists and such use is warranted.

If any hazardous substance is stored on any school site, the superintendent shall make available the hazardous substance fact sheet for that substance to anyone who requests it.

At least two days prior to the start of any construction activity involving hazardous substances, the superintendent shall post on a bulletin board at the school a notice that such construction will take place. The notice will state the activity to be conducted and the hazardous substance(s) to be used.

The superintendent shall ensure that all parents/guardians receive a notice at least once a year informing them of the following:

- A. Notice of any construction or other activities involving hazardous substances will be posted on the bulletin board of their children's school;
- B. Hazardous substances may be stored at the school at various times throughout the year;
- C. Hazardous substance fact sheets for any of the hazardous substances being used or stored are available at the school.

Soil Contamination on School Property

The board shall ensure that notice of soil contamination on school property is provided. Notice will be provided to each parent or guardian of a student enrolled at the school, and to each staff member of the school. Notice will be provided within 10 business days of the discovery of the soil contamination, when the contamination is found by the Department of Environmental Protection or a licensed site remediation professional to exceed the department's direct contact soil remediation standards for residential use.

The notice shall include:

- A. A description of the soil contamination and the conditions under which a student or staff member may be exposed to the contamination;
- B. A description and timetable of the steps that have been taken and will be taken to ensure that there is no contact by any student or staff member with the contamination;

SAFETY (continued)

- C. A description and timetable of the steps that have been taken and will be taken to remediate the soil contamination.

The notice may be provided by:

- A. Written notice sent home with the student and provided to the staff member;
- B. Telephone call;
- C. Direct contact;
- D. Electronic mail.

The district shall also post a copy of the notice in a conspicuous location near the site of the contamination to notify any other users of the school grounds of the existence of the contamination.

Safe Drinking Water

The board of education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds in accordance with the Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.).

The board directs that lead sampling and analysis be conducted in all drinking water outlets to which a student or staff member has or may have access, in each school facility, other facility, or temporary facility no later than July 13, 2017. Sampling shall be conducted according to the lead sampling plan.* The lead sampling plan shall include:

- A. A plumbing survey for each facility that identifies how water enters and flows through each facility, the types of plumbing materials used in the facility, such as the service line, piping, solder, fixtures, drinking water outlets where students or staff have or may have access, and point of use treatment, such as drinking water filters;
- B. The names and responsibilities of all individuals involved in sampling; and
- C. The following sampling procedures:
 - 1. Samples shall be taken after water has sat, undisturbed in the school pipes for at least eight hours but no more than 48 hours before the sample is taken;
 - 2. At least eight hours prior to sampling, signs shall be posted to indicate that water shall not be used and access to the buildings subject to the sampling shall be restricted to all but authorized staff members;
 - 3. Existing aerators, screens, and filters shall not be replaced or removed prior to or during sampling; and
 - 4. All samples shall be collected in pre-cleaned high-density polyethylene (HDPE) 250 milliliter (mL) wide-mouth single-use rigid sample containers that are properly labeled.

The board shall test all drinking water outlets within six years following the initial testing and every six years thereafter. Sampling shall be prioritized in buildings and facilities that previously had outlets with results above the action level or identified in the plumbing profile as high risk for lead. The water outlets in these buildings and facilities shall be sampled first in accordance with the sampling plan. In addition, sampling for lead shall be conducted after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet.

SAFETY (continued)

*See Resources below. The lead sampling plan, <http://www.nj.gov/dep/watersupply/pdf/techguide.pdf>

Drinking Water Sample Analysis

Analysis of water samples shall be conducted by a certified laboratory to analyze for lead in drinking water. The laboratory shall use an approved analytical method pursuant to the Federal Safe Drinking Water Act at 40 CFR 141.23(k)(1). Sample analysis shall be conducted in accordance with a Quality Assurance Project Plan (QAPP)**, which shall be signed by the board of education, the certified laboratory, and the individual responsible for conducting sampling. The QAPP shall include:

- A. Identification of analytical methods;
- B. Chain of custody procedures;
- C. Data validation and reporting processes;
- D. Detection limits;
- E. Reporting to three significant figures;
- F. Field blanks; and
- G. Quality control measures required by the certified method.

** See Resources below. Quality Assurance Project Plan (QAPP) at <http://www.nj.gov/dep/watersupply/pdf/techguide.pdf>

Water Sample Analysis Results: Notifications

Within 24 hours after the board has reviewed and verified the final laboratory results, the board shall make the test results of all water samples publicly available at the school facility and on the district website. If any results exceed the permissible lead action level, written notification shall be provided to the parents/guardians of all students attending the facility, as well as to the New Jersey Department of Education (NJDOE). This notification shall include a description of the measures taken by the board to:

- A. Immediately end use of each drinking water outlet where water quality exceeds the permissible lead action level;
- B. Ensure that alternate drinking water has been made available to all students and staff members, and information regarding the health effects of lead is provided.

The board shall annually submit a statement of assurance to the NJDOE that lead testing was completed, that notifications were provided, and that alternate drinking water continues to be made available to all students and staff in accordance law and board policy.

Within six years of the adoption of this policy, and within each six-year period thereafter, the board must test all drinking water outlets; sampling shall be prioritized in facilities previously identified with excessive lead results or identified as high risk in the sampling plan.

Implementation

Rules and procedures implementing this policy shall be reviewed and adopted by the board as required by law and shall be disseminated to staff and students annually, and whenever any changes are made.

SAFETY (continued)First Aid

In cases of injury to, or sudden illness of, a student, school employee or visitor, the responsibility of the Board and its personnel lies in giving emergency care and first aid until medical help can be obtained if necessary.

The Board directs the Superintendent of Schools to develop procedures for the proper handling and reporting of such emergencies and to disseminate them to all personnel.

Adopted: May 9, 2007, March 10, 2010, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Safety, Student Safety, Employee Safety, Asbestos, Hazardous Materials, Student Safety

Resources

New Jersey Department of Environmental Protection webpage for Lead Sampling in School Facilities.
 Located at: <http://www.nj.gov/dep/watersupply/dwc-lead-schools.html>

New Jersey Department of Environmental Protection, Overview: Lead in Drinking Water at School Facilities
 This document contains a link to the School District Lead Sampling Plan and the Quality Assurance Project Plan (QAPP) templates located at: <http://www.nj.gov/dep/watersupply/pdf/techguide.pdf>

Lead Sampling in Schools Technical Guidance FAQs.
 Located at: <http://www.nj.gov/dep/watersupply/pdf/leadfaq.pdf>

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-42 <u>et seq.</u>	Public School Safety Law
	<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, students and visitors in certain cases
	<u>N.J.S.A.</u> 18A:41-1 <u>et seq.</u>	Fire Drills and Fire Protection
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:41-5	
	<u>N.J.S.A.</u> 18A:42-1	Safety patrol by students
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u>	<u>Worker and Community Right to Know Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 34:5A -10.1 through -10.5	
	<u>N.J.S.A.</u> 34:6A-25 <u>et seq.</u>	<u>New Jersey Public Employees Occupational Safety and Health Act</u>
	<u>N.J.S.A.</u> 58:10B-24.6 <u>et seq.</u>	Hazardous discharge site remediation
	<u>N.J.S.A.</u> 58:12A-1 <u>et seq.</u>	<u>Safe Drinking Water Act</u>
	<u>N.J.A.C.</u> 5:23-1 <u>et seq.</u>	The uniform construction code
	<u>N.J.A.C.</u> 6A:16-5.1	School safety and security plans
	<u>N.J.A.C.</u> 6A:19-6.1 <u>et seq.</u>	Safety and Health Standards
	<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	

SAFETY (continued)

<u>N.J.A.C.</u> 6A:26-12.4	Safe drinking water
<u>N.J.A.C.</u> 6A:27-12.2	Accident reporting
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 7:10-1 <u>et seq.</u>	Safe Drinking Water Act

International Building Code 2015, New Jersey Edition; First Printing: September 2015;
ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*1410	Local units
	*3510	Operation and maintenance of plant
	*5141.1	Accidents
	*5142	Student safety
	*5142.1	Safety patrols
	*6114	Emergencies and disaster preparedness
	*6142.12	Career education
	*7110	Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

INSURANCE MANAGEMENT

Board Member Indemnification

Members of the Salem City Board of Education shall be indemnified in accordance with law (see N.J.S.A. 18A:12-20) whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding is brought against a board member for any act or omission arising out of and in the course of the performance of his/her duties as board member. In the case of a criminal or quasi-criminal action which results in a final disposition in favor of the board member, the board will defray all costs of defending the action, including reasonable counsel fees and expenses, together with costs of appeal, and will save harmless and protect the board member from any financial loss resulting from the action.

Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in law (see N.J.S.A. 59:10-4). The law provides that the board may arrange appropriate insurance for the indemnification of officers and employees for exemplary or punitive damages resulting from the employee's civil violation of State or federal law if in the opinion of the board the acts committed by the employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.

Employee Indemnification

A. Civil Matter

Whenever any civil or administrative action or other legal proceeding has been or shall be brought against an employee of this district, including any student teacher or person assigned to other professional pre-teaching field experience for any act or omission arising out of and in the course of the performance of the duties of such office, position, employment or student teaching or other assignment to professional field experience, the board shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting there from.

This indemnification includes student teachers or persons assigned to other professional pre-teaching field experience. The indemnification shall be for any act or omission arising out of and in the course of the performance of the duties of their office, position, employment or other assignment, except that no employee shall be entitled to be held harmless or have his defense costs defrayed in a disciplinary proceeding instituted against him by the board or when the employee is appealing an action taken by the board.

The board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

B. Criminal Matter

In order to be indemnified for costs and expenses incurred in a criminal or quasi-criminal matter, an employee must meet a higher standard than that which is established for civil and administrative matters. Accordingly, should any criminal or quasi-criminal action be instituted against the employee for any such act or omission and should such proceeding be dismissed or result in a final disposition in favor of the employee, the board of education shall reimburse him/her for the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and

all appeals. No employee shall be entitled to be held harmless or have his/her defense cost defrayed as a result of a criminal or quasi-criminal complaint filed against the employee by or on behalf of the board of education. The employee must be able to prove that the criminal matter ended in a favorable disposition, and that the employee was acting in the course of performing his/her own duties.

Liability Insurance

The board shall, in accordance with law, insure its employees against injury or death resulting in the course of their employment and chooses also to:

- A. Insure members of the board, officers, and employees of the district against personal liability for damages for death, injury to person, or damage or loss of property, caused by the negligent act or omission of the member, officer, or employee when acting within the scope of his office or employment;
- B. Insure against any major liability arising from the use of a motor vehicle by an employee of the district in the performance of district business.

When employees are required to use their own automobiles for district business and are reimbursed for said use by the district, the employee's own insurance policy or policies shall cover the employee for any loss or damages associated with said use.

Property Insurance

The board will ensure that the district has adequate insurance to cover the loss or damage of school property due to theft, water damage, glass breakage, fire damage, smoke, windstorm, vandalism and any other cause the board deems appropriate. In contracting for insurance coverage the board shall be guided by the desirability of distributing the insurance coverage of the district through one insurance broker only.

In placing insurance coverage the board shall be guided by the price of such coverage, the ability of the insurer to meet prescribed obligations promptly and fully, the reputation and past performance of the agent of the insurer and the desirability of distributing the insurance coverage of the district through an agent of record.

The board may appoint annually an insurance broker or advisor, who may serve as the agent of record. The broker shall:

- A. Review the insurance program of the district, consider alternatives, and annually report recommendations to the board;
- B. Recommend specific insurance placement and prepare specifications for same;
- C. Assist the board in the establishment and maintenance of property valuation and insurance records;
- D. Review plans and specifications of all new facilities with the rating bureau in order to eliminate unnecessary penalty charges;
- E. Provide annual safety and fire inspections;
- F. Process all claims;
- G. Recommend such measures as may reduce the cost of insurance premiums including assumption of risk, loss prevention, transfer of risk and self-insurance.

All insurance records shall be on file in the district office.

The board recognizes the risks it faces in the ordinary course of conducting a school program and chooses to insure itself against certain liabilities as a result of said risks.

The board shall, in accordance with law, insure its employees against injury or death resulting in the course of their employment and chooses also to:

- A. Insure members of the board, officers, and employees of the district against personal liability for damages for death, injury to person, or damage or loss of property, caused by the negligent act or omission of the member, officer, or employee when acting within the scope of his office or employment;
- B. Insure against any major liability arising from the use of a motor vehicle by an employee of the district in the performance of district business.

Employee Use of Own Automobiles for District Business

When employees use their own automobiles for district business, and are reimbursed for said use by the district in accordance with Policy 3335 – Travel Expenses, the employee's own insurance policy or policies shall cover the employee for any loss or damages associated with said use.

The board recognizes its responsibility under law to keep all insurable property of this school district, real and personal, insured for its replacement value against loss or damage by fire and has adopted as policy the extension of that coverage to theft, water damage, glass breakage, explosion, boiler damage, smoke, windstorm and vandalism.

In placing the insurance coverage the board shall be guided by the price of such coverage, the ability of the insurer to meet prescribed obligations promptly and fully, the reputation and past performance of the agent of the insurer and the desirability of distributing the insurance coverage of the district through an agent of record.

The board may appoint annually an insurance advisor who may be the agent of record and who shall:

- C. Review the insurance program of the district, consider alternatives, and report recommendations to the board;
- D. Recommend specific insurance placement and prepare specifications for same;
- E. Assist the board in the establishment and maintenance of property, valuation, and
- F. insurance records;
- G. Provide annually safety and fire inspections;
- H. Process all claims; and,
- I. Recommend such measures as may reduce the cost of insurance premiums including
- J. assumption of risk, loss prevention, and transfer of risk

The Salem City Board of Education recognizes that officers and employees of this district are exposed to certain risks in the course of the performance of their duties and will provide insurance coverage against losses that may be incurred by such risks.

The shall insure employees of the school district against injury and death arising out of or in the course of their employment, in accordance with law.

The shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the , including any student teacher/intern, or person assigned to other professional pre-

teaching field experience, for damages, losses and costs incurred as a result of a civil or administrative action or other legal proceeding brought against any such persons for any acts or omissions arising out of and in the course of their employment, student teaching, or other assignment to profession field experience with this . This indemnification will include all costs of defending such action, including reasonable legal fees and expenses, together with costs of appeal, if any, and will hold harmless and protect such person from any financial loss resulting from such action.

No employee will be held harmless or have his/her defense costs defrayed in a disciplinary proceeding instituted against him/her by the . Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in statute.

The superintendent or designee may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the , including any student teacher/intern, or person assigned to other professional pre-teaching field experience, for the costs of defense against any criminal or quasi-criminal action for any such act or omission when such prosecution is dismissed or results in a final disposition favorable to the officer or employee. This indemnification will include all costs of defending such proceeding, including reasonable legal fees and expenses of the original hearing or trial and all appeals.

No employee will be held harmless or have his/her defense costs defrayed as a result of a criminal or quasi-criminal complaint filed against the employee by or on behalf of the .

The superintendent or designee may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The superintendent or designee may insure against any major liability arising from the use of a motor vehicle by an employee of the district in the performance of district business.

The superintendent or designee may, in accordance with law, enter into a joint contract for the purchase of liability insurance.

Bonding

Employees of the district who are responsible for the safekeeping of district money shall be bonded. Unless otherwise specified by law, the superintendent or designee will determine annually the employees who are to be bonded. The board shall bear the cost of bonding each employee required to be bonded by this policy or by statute.

Adopted:	May 9, 2007, August 8, 2018
NJSBA Review/Update:	March 2021
Readopted:	October 12, 2022

Key Words

Insurance, Liability, Property Insurance, School Insurance Group

<u>Legal References:</u>	N.J.S.A. 18A:12-20	Indemnity of members against cost of defense
	N.J.S.A. 18A:16-6	Indemnity of officers and employees against action,
	through -6.1	proceeding; exceptions
	N.J.S.A. 18A:18A-42	Duration of certain contracts
	N.J.S.A. 18A:18A-43	Supervision of school building repairs
	N.J.S.A. 18A:18B-1 <u>et seq.</u>	Self-insurance
	N.J.S.A. 18A:20-25	Insurance of property

N.J.S.A. 50:10-4
N.J.A.C. 6A:23A-16.4

Local public entities; authority to indemnify
Minimum bond requirements for treasurer of school
moneys

Possible

Cross References: *1330 Use of school facilities
 *3510 Operation and maintenance of plant
 *4147/4247 Employee safety
 *5141.1 Accidents
 *5142 Student safety
 *6114 Emergencies and disaster preparedness
 *9270 Conflict of interest
 *9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual

TRANSPORTATION ROUTES AND SERVICES

The Salem City Board of Education directs the superintendent to supervise development of bus routes to provide safe, economical and reasonably expeditious transportation for:

- A. Students who live remote from the schoolhouse as defined by New Jersey law;
- B. Educationally disabled students in accordance with their IEP;
- C. Students participating in board-approved extracurricular activities or field trips;
- D. Students whose route to the school is deemed hazardous by the board;
- E. Other students as required by law.

The Superintendent shall continuously evaluate the transportation operation including routes, timing, drivers, road conditions, performance of contract, etc., and the Superintendent shall be responsible for changes in routes, bus evacuation drills, inspections, establishment of bus stops, and other related matters.

If circumstances warrant, aides may be assigned to transportation vehicles.

Transportation service shall not be provided on such days, or during such times, as it is deemed unsafe to operate the district schools due to inclement weather, unsafe road conditions, or other circumstances. It shall be the duty of the superintendent to determine when such conditions exist.

The criteria to be used in designing routes and assigning students to them shall include:

- A. The distance to be traveled to and from school;
- B. The age and state of health of the child;
- C. The requirements of the instructional program;
- D. The hazards involved on the route to be traveled.

Transportation to and from school shall be provided as required by law to eligible nonpublic school students and to students attending charter schools. All students riding on district buses shall be required to observe the district's bus conduct regulations or risk loss of the privilege of such transportation.

On a space-available basis, the board may transport both public and nonpublic students who live within statutory limits (courtesy busing). The board or a cooperative transportation services agency may charge for this service. The charge shall be equitable and shall include, but not be limited to, the cost of fuel, driver salaries and insurance.

Buses, whether contracted or district-owned, shall be kept in optimum condition and shall conform to all state safety regulations.

Bus routes must be acted upon by the board and submitted to the county office.

TRANSPORTATION ROUTES AND SERVICES (continued)Waiver of Eligible Transportation Services

Each school year a parent/guardian of a student who is eligible for transportation services under the law may sign a written statement waiving the student's right to those services. This written statement shall be in the form that is determined by the Department of Education.

If there is a case of a family or economic hardship during the school year in which the parent/guardian has waived the student's transportation service rights, the district will make provisions to provide transportation to the student during this hardship.

Courtesy Transportation Along Hazardous Routes

The Salem City Board of Education is concerned with the safety of students who walk to and from school along roadways determined to be hazardous routes. The superintendent shall work in conjunction with municipal officials to determine the criteria necessary for the classification of a hazardous route and shall maintain a list of all hazardous routes in the district. The superintendent shall develop rules and regulations to supply courtesy transportation for students who must walk to and from school along routes designated by the Salem City School District to be hazardous routes. The criteria used to determine hazardous routes may include but shall not be limited to the following:

- A. Population density;
- B. Traffic volume;
- C. Average vehicle velocity;
- D. Existence or absence of sufficient sidewalk space;
- E. Roads and highways that are winding or have blind curves;
- F. Roads or highways with steep inclines and declines;
- G. Drop-offs that are close proximity to a sidewalk;
- H. Bridges or overpasses that must be crossed to reach the school;
- I. Train tracks or trestles that must be crossed to reach the school;
- J. Busy roads and highways that must be crossed to reach the school.

Students who would otherwise be required to walk to and from school along routes designated as hazardous shall be included in the calculation of the district's regular vehicle capacity utilization.

Bus Stops

Students shall be picked up and returned to designated bus stops, a list of such stops shall be registered in the school office.

Each junction of a main road with a side road not traveled by the bus may be a bus stop. In areas of sparse population, a pupil's home may be a bus stop. In areas of denser population, pupils are generally expected to walk to assigned bus stops located at intervals along the route.

- A. When children are to be left off the bus at any but their regularly scheduled discharge points, a request

TRANSPORTATION ROUTES AND SERVICES (continued)

shall be made in writing by the pupil's parent/guardian and the Superintendent of Schools/designee shall verify and approve each request. The bus driver is to be given the approved request the pupil boards the bus and follow its instructions.

- B. All students will be transported to the school.
- C. Routes and operating schedules shall be coordinated with the overall school program, especially in regards to opening and dismissal times of the school.

Changes in Bus Routes

When conditions develop, that make necessary the changing of the established bus routes, such changes shall be approved by the Superintendent of Schools.

Route changes may be made by the transportation coordinator with the approval of the superintendent and the board. In all cases, students involved with the route or bus stop changes shall be notified 24 hours in advance of any changes whenever possible.

Special Trips

School activities such as field trips and other for instructional or extracurricular purposed will necessitate the making of arrangements for special bus trips. Whenever a pupil trip requires transportation, written permission must be obtained from the parent or guardian along with the approval of the superintendent and the board.

Adopted: October 9, 1996, May 9, 2007, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Student Transportation, Transportation, Busing, Buses, Courtesy Busing, Nonpublic School Students, Student Transportation

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 18A:7F-57 <u>N.J.S.A.</u> 18A:36A-13 <u>N.J.S.A.</u> 18A:39-1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.S.A.</u> 18A:39-1.2 through -1.9 <u>N.J.S.A.</u> 18A:39-1c <u>N.J.S.A.</u> 18A:46-19.6 <u>N.J.S.A.</u> 18A:46-23 <u>N.J.S.A.</u> 39:3-10.9 <u>et al.</u> <u>N.J.S.A.</u> 39:3-27 <u>N.J.A.C.</u> 6A:27-1.1<u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:27-1.1(b), -2.1, -3.1, -5.1, -6.2, -6.3, -6.4, -9.2(e), -11.1, -13.3 <u>N.J.A.C.</u> 6A:30-1.1<u>et seq.</u></p>	<p>Calculation of state aid for transportation Transportation services (charter schools) Transportation To and From Schools Parents right to waive eligible transportation rights Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost Transportation of students; special classes; handicapped children; state aid <u>New Jersey Commercial Drivers License Act</u> Free registration of certain vehicles; transfer to other motor vehicles Student Transportation Evaluation of the Performance of School Districts</p>
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TRANSPORTATION ROUTES AND SERVICES (continued)

Parents for Student Safety, Inc., v. Morris Bd. of Ed., 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24), aff'd App. Div., unreported decision (docket no. A-3257-85-T7, decided February 17, 1987) certif. den. 108 N.J. 180 (1987)

Wayne Board of Education v. Kraft et al., 139 NJ 597 (1995)

Policies and Procedures Manual for Student Transportation, N.J. State Department of Education

Possible

Cross References: *3220/3230 State funds; federal funds
 *3516 Safety
 *3541.31 Privately owned vehicles
 *3541.33 Transportation safety
 *4211 Recruitment, selection and hiring
 *5200 Nonpublic school students
 *6145 Extracurricular activities
 *6153 Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3541.3

Policy

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

NONSCHOOL USE OF DISTRICT VEHICLES

The board has made the buildings and grounds of the district's public schools available for nonprofit use, provided that in the opinion of the superintendent such use would not conflict with, impede or negatively affect the operation of any school-related activities. The board will also make school-owned vehicles available to transport groups of qualified senior or disabled citizens to civic, social, cultural, educational, recreational, nutritional and health programs and activities within the district, or in the immediately surrounding districts, provided the distance does not exceed 100 miles. "Qualified" senior citizens are persons over 60 residing in the area served by this school district and their spouses of less than 60 if they are accompanying them.

Further, the board will make district buses available to groups of children and adults for transportation to and from municipal programs or events.

The superintendent shall formulate administrative regulations in conformity with N.J.A.C. 6A:27-7.8 and all other pertinent law. These regulations shall provide for payment by the group of all or part of the costs incurred by the district in such use of its vehicles. The regulations will also refer to, without duplicating, all current regulations governing conduct of the public on and/or using school facilities.

The board shall approve the use of buses for all non-school purposes.

Adopted:	September 10, 2008, August 8, 2018
NJSBA Review/Update:	March 2022
Readopted:	October 12, 2022

Key Words

Senior Citizens' Busing, Handicapped Citizens' Busing, Municipal Programs Busing, Nonschool Use of District Vehicles

****Mandated only if the board wishes to do it.**

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:20-34	Use of schoolhouse and grounds for various purposes
	<u>N.J.S.A.</u> 18A:39-22	School buses; use by senior citizens, handicapped, and children and adults in certain municipal programs
	<u>N.J.S.A.</u> 18A:39-22.1	Use of school buses owned, leased or contracted by school district for transportation of certain handicapped adults
	<u>N.J.A.C.</u> 6A:27-7.2	Capacity
	<u>N.J.A.C.</u> 6A:27-7.8	Use of school buses other than to and from school and school related activities

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*3515	Smoking prohibition

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PRIVATELY OWNED VEHICLES

Students of the Salem City School District shall not be transported in privately owned vehicles operated by district personnel unless specifically approved by the superintendent or designee.

In determining whether to grant such approval, the superintendent shall consider the type of activity, the total number of students involved, and the availability of appropriate vehicles.

The superintendent may then determine that a group of students is too small in number to make economical use of Type I or Type II vehicles and that that student or students may be transported in privately owned passenger vehicles driven by qualified school personnel, state employees and parents/guardians.

Transportation by Volunteer Drivers

The superintendent shall supplement the transportation resources of the district by identifying qualified school personnel, state employees and parents/guardians who are willing to provide transportation for district students to and from school-related activities.

Qualifications shall include:

- A. A valid New Jersey (or other) driver's license with no convictions for moving violations;
- B. A private passenger vehicle of eight or fewer capacity, with a current New Jersey or other inspection sticker; and
- C. Evidence of at least the statutorily required insurance coverage.

The superintendent shall develop and the board shall adopt detailed regulations to ensure:

- A. District approval of activities involved;
- B. District determination of drivers and assignment of students to them;
- C. Student safety in pickup, transit and drop-off;
- D. Adequate supervision of students at the activity;
- E. Vehicle must have a current inspection sticker.

Adopted: May 9, 2007, August 8, 2018
NJSBA Review/Update: March 2022
Readopted: October 12, 2022

Key Words

Privately Owned Vehicles, Auxiliary Student Transportation, Student Transportation, Student Transportation

Legal References: N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:39-20.1 Transportation to and from related school activities in private vehicle with capacity of eight or less; authorization of qualified

PRIVATELY OWNED VEHICLES (continued)

	school personnel, state employees or parents
<u>N.J.A.C.</u> 6A:27-1.7	Insurance
<u>N.J.A.C.</u> 6A:27-7.6	Transportation to and from related school activities
<u>N.J.A.C.</u> 6A:27-7.7	Parent transporting his or her own child or children

Possible

<u>Cross References:</u>	*5020	Role of parents/guardians
	*6145	Extracurricular activities
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6153	Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3541.31

<u> </u>	Monitored
<u> X </u>	Mandated
<u> </u>	Other Reasons

Regulation

PRIVATELY OWNED VEHICLES

Volunteer Driver Pool

- A. By September 30 of each school year, the superintendent) will send home to parents/guardians a form on which to indicate willingness to provide school-related transportation. The form should be accompanied by a brief explanation of the pattern of liability under New Jersey's No Fault Law.

The form shall include spaces for:

1. Name, address, phone number and willingness to drive;
2. Driver's license number and statement that the driver has received no moving violations;
3. Make, model, year and mileage of car to be used;
4. Insurance coverage and name of carrier;

NOTE: FOR A NEW JERSEY REGISTERED VEHICLE TO BE OPERATED AT ALL, THE OWNER MUST PROVIDE EVIDENCE OF AUTOMOBILE LIABILITY INSURANCE FOR BODILY INJURY AND PROPERTY DAMAGE IN A MINIMUM AMOUNT OF \$1,000,000 COMBINED SINGLE LIMIT PER OCCURRENCE.

5. Hours during which the parent/guardian is generally available;
6. Schools and grades of children, their activities or other interests;
7. Any particular interests of the parents/guardians not reflected in their children's participation;
8. Restrictions, such as number of children or grade levels that the parent/guardian is willing to transport.

Forms are to be returned to the homeroom teacher and forwarded to the (school business administrator) to be sorted and collated.

- B. By September 30 of each school year, forms will be put in each teacher's and administrator's mailbox.

Form will include:

1. Name, address, home phone, willingness to drive;
2. Driver's license number and statement that the driver has received no moving violations;
3. Make, model, year and mileage of car to be used;
4. Insurance coverage and name of carrier;
5. Times at which teacher/administrator will be available;
6. Activities supervised or in which teacher/administrator has an interest;
7. Restrictions, such as number of children or grade levels the staff member is willing to transport.

Forms will be returned to the school business administrator to be sorted and collated.

Transportation of Students by District Personnel as Part of Assigned Duties

A card shall be kept on file in the school business administrator's office for each employee who transports students in a passenger vehicle as part of his/her assigned duties. Information on the card shall include:

- A. Name, address, home phone number;

PRIVATELY OWNED VEHICLES (regulation continued)

- B. Driver's license number and statement that the driver has received no moving violations;
- C. Make, model, year and mileage of car to be used;
- D. Insurance coverage and name of carrier.

NOTE: FOR A NEW JERSEY REGISTERED VEHICLE TO BE OPERATED AT ALL, THE OWNER MUST PROVIDE EVIDENCE OF AUTOMOBILE LIABILITY INSURANCE FOR BODILY INJURY AND PROPERTY DAMAGE IN A MINIMUM AMOUNT OF \$1,000,000 COMBINED SINGLE LIMIT PER OCCURRENCE.

Approval of Activities; Supervision of Students at Activities

- A. The board shall approve all interscholastic competitions, field trips, and special away-from-school activities, either as a listing or item by item as they occur. Provisions of this section will depend on the district's policy;
- B. At the time of approval, a determination should be made as to whether volunteer transportation will be used;

All volunteers must be from the school business administrator's master list.

NOTE: LAST MINUTE RECRUITMENT OF DRIVERS WITHOUT PROPER SAFEGUARDS COULD BE CONSTRUED AS NEGLIGENCE. WHATEVER PROVISIONS ARE MADE HERE SHOULD ALLOW TIME TO ASCERTAIN THE DRIVERS' QUALIFICATIONS.

- C. Supervision of students at activity:
 - 1. When the students will become part of a larger group on arrival at their destination, the driver will deliver them to the faculty member or other chaperone in charge, who will be responsible for the students at the activity. If the driver is one of the faculty members or chaperones, he/she will assume those duties on joining the group.
 - 2. When the driver is the sole adult, he/she shall remain with the group for the entire period.

Students shall be informed that the driver has the same authority over them as a member of the teaching staff, and that appropriate penalties will be imposed for infractions of the district's code of conduct or student discipline policy.

Selection of Volunteer Drivers and Assignment of Students

When the school business administrator has confirmed the date of the event and the number of students, he/she will attempt to secure drivers to accommodate them.

In assigning students to volunteer drivers, the school business administrator will take into account:

- A. Grade level and number of students if driver has expressed limitations;
- B. Location of student residences in relation to driver if students are to be delivered home.

Safety in Pickup, Transit and Drop-off

When the school business administrator has assigned the students to their drivers, he/she shall prepare a sheet for each driver listing the students, the pickup time and place, the activity time and place, directions to

PRIVATELY OWNED VEHICLES (regulation continued)

the activity, arrangements for drop-off, arrangements for supervision of the students at the activity, arrangements for picking up the students after the activity, instructions as to time and place of final drop-off, and a copy of the district's policy/regulations on student bus conduct. The sheet shall include emergency telephone numbers at which the driver can reach an administrator of the school, and, if possible, other persons at the activity, should it become necessary.

- A. Pickup place will, in most instances, be the school. It will be the responsibility of the students' parents/guardians to deliver the students to the assigned pickup place at the proper time. Parents/guardians are responsible for supervision of their children until the driver arrives, unless the children are being loaded during school hours, in which case appropriate faculty will be responsible until the vehicle departs. When children are being transported in more than one private vehicle or a combination of district and private vehicles, the faculty member in charge of the expedition is responsible for accounting for all the children. No child shall enter a vehicle on the traffic side;
- B. In transit, the driver shall keep the doors locked and the windows at a safe level. All students shall use seat belts. General rules of student conduct will be those of the district's regular policy on bus conduct.

On arrival at the activity, the driver will drop off the students according to directions. In no event shall a student exit from a vehicle on the traffic side.

On leaving the activity, the driver shall be sure he/she has all of the same children he/she started with. At activities where faculty and chaperones are in charge of a large group, the faculty member in charge shall be responsible for ensuring that all students are accounted for at time of departure.

- C. Final drop-off place shall usually be the school. Parents/guardians will have been informed of the time of the drop-off, and will be responsible for providing transportation home for their own child. In the event that students are to be delivered to their door, the driver should wait until the student has entered the outer door before driving off.

Reimbursement

All tolls for highways, bridges, tunnels, etc., will be reimbursable on presentation of a receipt. Parking charges are reimbursable on presentation of either the lot ticket or a voucher, if a meter was used. The district may reimburse for mileage on volunteer trips.

Entrance fees for activities may be reimbursed according to the policy of the district.

Adopted:	May 9, 2007, August 8, 2018
NJSBA Review/Update:	March 2022
Readopted:	October 12, 2022

Policy

DISTRICT OWNED VEHICLES

For efficiency of operations, the Salem City Board of Education directs the superintendent to oversee school district vehicles and to develop regulations to govern vehicle tracking, maintenance, accounting, assignment and usage.

Vehicle Tracking, Maintenance, and Accounting

The school district will maintain records of the following information:

A. Vehicle inventory control record including:

1. Vehicle make, model and year;
2. Vehicle identification numbers (VIN);
3. Original purchase price;
4. Date purchased;
5. License plate number;
6. Person assigned or pool if not individually assigned;
7. Driver license number of person assigned and expiration date;
8. Insurer and policy number of person assigned; and
9. Usage category such as regular business, maintenance, security or student transportation.

B. Driving record of operators of district vehicles including:

1. Name of driver;
2. Driver license number and expiration date;
3. Insurer and policy number of person assigned;
4. Motor vehicle code violations;
5. Incidents of improper or non-business usage;
6. Accidents; and
7. Other relevant information.

C. Record of maintenance, repair and body work for each district vehicle including:

1. Vehicle make, model and year;
2. Vehicle identification numbers (VIN);
3. Original purchase price;
4. Date purchased;
5. License plate number;
6. Usage category such as regular business, maintenance, security or student transportation;
7. Manufacturer's routine maintenance schedule;
8. Category of work performed (routine maintenance, repair or body work);
9. Purchase order number;
10. Date work was performed;
11. Detailed description of work performed;
12. Mileage on date work was performed; and
13. Cost of work performed.

DISTRICT OWNED VEHICLES (continued)

District Vehicle Assignment and Use

- A. District vehicles will be assigned in accordance with OMB Circular 08-16-ADM or any superseding circulars;
- B. The board upon the recommendation of the superintendent may authorize, by an affirmative vote of the board's full membership, the lease, lease-purchase or purchase and assignment of district vehicles for the conduct of official district business. The vehicles may be assigned either to individuals or to units within the district for pool use according to the following classifications:
 - 1. Vehicles may be assigned permanently and individually to the superintendent, school business administrator, head of facilities services, head of security services or other supervisory employees who, based on their job duties, may be called upon on a 24 hour, seven-day a week basis. No individual assignment shall be made for the primary purpose of commuting; and
 - 2. A unit may be permanently assigned one or more district pool vehicles only if employees of the unit will collectively use the vehicle or each vehicle for more than an average of 750 miles per month on official district business. Pool vehicles shall not be used for the purpose of commuting and shall remain at a district facility when not in official use.
- C. Board members or employees may be temporarily assigned a district vehicle for travel events;
- D. The board secretary/business administrator or designee is assigned the functions of district vehicle coordinator.
- E. Vehicle use logs shall be maintained for all individual and pool assignments in order to accurately record all usage of each vehicle, including the driver, mileage, and starting and destination points;
- F. All complaints of a potential misuse shall be investigated and appropriate disciplinary action taken;
- G. All changes to vehicle assignment, whether pool or individual, shall require prior written approval of the superintendent and the authorization of an affirmative majority vote of the full board;
- H. No luxury vehicle, one which exceeds the greater of \$30,000 or any current dollar limit established in IRS law or regulation, shall be purchased, lease-purchased or leased by the district. If a vehicle is assigned to the superintendent, it may be a full size or intermediate, four-door sedan of the non-luxury class. All other vehicles shall be compact sedans, unless special passenger, cargo, equipment, or use requirements make the standard vehicle unsuitable for documented district needs;
- I. The district vehicles shall be used primarily for business purposes, however, incidental and reasonable personal use is permitted;
- J. All damage to district vehicles, regardless of cause, shall be reported within 24 hours to the vehicle coordinator and the employee assigned to file insurance claims;
- K. No physical alterations shall be made to a vehicle without prior board approval;
- L. Drivers of district vehicles shall possess a valid driver's license to operate a vehicle in New Jersey;
- M. When a vehicle is due for routine maintenance in accordance with the manufacturer's schedule, the driver of an individually assigned vehicle or, in the case of a pool vehicle, the vehicle coordinator shall be responsible for ensuring that the vehicle receives the scheduled service;
- N. A driver assigned a district vehicle shall be responsible for the security of the vehicle and its contents;

DISTRICT OWNED VEHICLES (continued)

- O. Drivers shall be personally responsible for all fines accrued as a result of traffic violations related to operation of district vehicles;
- P. The driver, or the driver's supervisor, if the driver is incapacitated, of a district vehicle involved in an accident resulting in damage to the district vehicle or other vehicle shall file, within 24 hours of the accident, a detailed written report with the vehicle coordinator and the district staff member responsible for making insurance claims;
- Q. Police shall be immediately notified of an accident by the driver or vehicle coordinator, if the driver is incapacitated. A copy of the police report shall be submitted to the vehicle coordinator and the district staff member responsible for making insurance claims as soon as possible;
- R. If a district vehicle is misused in any of the following ways, the driver's driving privileges for district vehicles shall be suspended or revoked, and additional disciplinary action shall be taken as appropriate:
 - 1. Frequent violation of traffic laws;
 - 2. Flagrant violation of the traffic laws;
 - 3. Operation of a vehicle which the police or insurance company determined was the cause of an accident;
 - 4. Use of a vehicle for unauthorized use whether personal use, business use, or commuting;
 - 5. Violation of these rules or district policy governing the assignment, use, operation, repair, and/or maintenance of vehicles. This includes the failure to submit a vehicle for routine maintenance as called for in the manufacturer's routine maintenance schedule;
 - 6. Operation of a vehicle while impaired to any degree, or under the influence of alcohol or narcotics as defined by State statutes;
 - 7. Use of a district vehicle by an unauthorized individual while assigned to an employee;
 - 8. Use of a district vehicle to transport any person or child, other than in the course of their assigned duties and responsibilities; and
 - 9. Use of radar detectors in district vehicles.
- S. The board shall apply progressive, uniform, and mandatory disciplinary actions to violations of these requirements.

Adopted: September 10, 2008, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Safety, Bus Safety, Transportation Safety, Student Transportation, Student Transportation

Legal References: N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes
N.J.S.A. 18A:39-22 School buses; use by senior citizens, handicapped, and children and adults in certain municipal programs
N.J.S.A. 18A:39-22.1 Use of school buses owned, leased or contracted by school district for transportation of certain handicapped adults
N.J.A.C. 6A:27-7.2 Capacity
N.J.A.C. 6A:27-7.8 Use of school buses other than to and from school and school related activities
N.J.A.C. 6A:23A-6.11 Vehicle tracking, maintenance and accounting
N.J.A.C. 6A:23A-6.12 District vehicle assignment and use

DISTRICT OWNED VEHICLES (continued)

Possible

Cross References: *1330 Use of school facilities
*3515 Smoking prohibition

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

TRANSPORTATION SAFETY

The safety and welfare of students shall be the first consideration in all matters pertaining to transportation. The Salem City Board of Education directs the superintendent to oversee development of regulations to govern:

- A. Student conduct on buses;
- B. Inservice education for bus drivers to include:
 - 1. Management of students;
 - 2. Safe driving practices; recognition of hazards;
 - 3. Special concerns in transporting students with disabilities;
 - 4. Emergency procedures on the road; accident report;
 - 5. Information on required drug and alcohol testing.

Accidents

Forms shall be provided for the immediate reporting of all incidents involving a district-owned or contracted vehicle that include any of the following:

- A. Physical injury to anyone concerned, no matter how minor;
- B. Property damage of any kind, even if the financial loss is negligible;
- C. Failure of any mechanical function of a district-owned or contracted vehicle during operation, even if no injury or damage results.

It shall be the responsibility of the superintendent to direct an investigation on the report and to comply with the law. The information gained shall be considered in evaluating personnel performances, and in scheduling inspection of vehicles.

Training for Interacting with Students with Special Needs

The board or board of education contractor that provides student transportation services shall administer the New Jersey Department of Education developed training program on the proper procedures for interacting with students with special needs to all school bus drivers and school bus aides that it employs. The training program includes appropriate behavior management; effective communication; use and operation of adaptive equipment; and understanding behaviors that may be related to specific disabilities.

The training program shall be administered prior to that individual operating a school bus or serving as an aide on a school bus.

The board or board of education contractor that provides student transportation services requires that a school bus driver or school bus aide file a certification with the board or board of education contractor that provides student transportation services that the individual has completed the training program within five business days of its completion. The board or board of education contractor that provides student transportation services shall retain a copy of the certification for the duration of the individual's employment, and shall forward a copy of the certification to the New Jersey Department of Education.

The parent or guardian of a student with an individualized education plan shall complete the student

TRANSPORTATION SAFETY (continued)

information card when the individualized education plan is developed or amended for a student who receives transportation services. The student information card, developed by the New Jersey Department of Education, shall include information that should be readily available to a school bus driver and school bus aide for the purpose of promoting proper interaction with a student with special needs.

Upon receiving consent from a student's parent or guardian, the a copy of the completed student information card shall be provided to the student's assigned school bus driver and school bus aide.

Drills

Emergency evacuation drills shall be conducted regularly throughout the school year to acquaint the student riders thoroughly with emergency situations. An emergency evacuation drill shall be held as soon as possible after the opening day of school and then at least twice a year. Students who do not require busing shall participate in a drill as necessary before a field trip. All students shall receive evacuation instruction at least once within the school year.

Vehicles and Equipment

All district-owned or contracted vehicles used to transport children shall be maintained in such condition as to provide safe and efficient transportation service with a minimum of delays and disruption due to mechanical or equipment failure.

All district-owned or contracted vehicles used to transport children shall conform to state standards for such vehicles and shall be equipped with all safety devices required by code and statute.

All passengers on buses equipped with seat belts shall wear properly adjusted and fastened seat belts or other child restraint systems at all times while the bus is in operation.

Bus Drivers

Drivers of all Type I and Type II school vehicles used to transport district students shall be licensed by the State of New Jersey as bus drivers. They shall comply with all state requirements on physical condition, criminal history clearance, etc. The district shall be in compliance with all drug and alcohol testing requirements of the Omnibus Transportation Employee Testing Act and implementing regulations and shall provide all bus drivers with required information on them (see policy 4219.23 Employee Substance Abuse). Bus drivers are responsible for the safety of students entering, riding, and departing their vehicle.

Safety and Conduct

Good pupil conduct contributes to safety and helps to avoid accidents that may result from the distraction of the driver. It also reduces the number of accidents in which pupils injure themselves or each other. Students will observe the following:

- A. Enter or leave the bus when the door is fully opened.
- B. Avoid pushing upon entering or leaving the bus.
- C. Take assigned seat, fasten seat belt and remain seated until the bus arrives at the stop.
- D. Keep feet and belongings under the seat. This includes books and clothing.
- E. Keep hands off the property and person of other students.
- F. Do not throw items while in the bus or out of the window at any time.
- G. Avoid all boisterous, loud talk and other noises that might distract the driver.

TRANSPORTATION SAFETY (continued)

- H. Do not tamper with the emergency door or other bus fixtures.
- I. Conscientiously observe all rules and respond quietly to the driver's instructions.
- J. The bus represents an integral part of the school system and, as such, the same standards of conduct that apply to the school also apply to a school bus.

The driver shall be in charge of the bus at all times. The driver shall never exclude a pupil from the bus, but if unable to manage any pupil, the driver shall report the student(s) to the superintendent or superintendent's designee in writing.

Adopted: May 9, 2007, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

Safety, Bus Safety, Transportation Safety, Student Transportation, Student Transportation

Legal References: N.J.S.A. 18A:6-7.1 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception

N.J.S.A. 18A:25-2 Authority over students

N.J.S.A. 18A:39-1 et seq. Transportation of students remote from school

See particularly:

N.J.S.A. 18A:39-17, -18, -19.1, -20

N.J.S.A. 18A:39-19.2 Training program for school bus drivers, bus aides

through N.J.S.A. 18A:39-19.4 relative to students with special needs

N.J.S.A. 18A:39-26 School Bus Safety Act

N.J.S.A. 18A:39-27 Bus Driver Presence Required

N.J.S.A. 18A:39-28 Inspection of School Bus for Students

N.J.S.A. 39:3-10.9 et seq. New Jersey Commercial Driver License Act

N.J.S.A. 39:3B-1.1 et seq. School Buses, Equipment and Regulations

See particularly:

N.J.S.A. 39:3B-10 through -12

N.J.A.C. 6A:27-1.1 et seq. Student Transportation

See particularly:

N.J.A.C. 6A:27-11.1, -11.2, -11.3, -11.4, -12.2, -13.3

34 C.F.R. Part 85.100 et seq., Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)

49 U.S.C. § 31306 et seq.- Omnibus Transportation Employee Testing Act of 1991

49 C.F.R. Part 40.1 et seq. - Procedures for Transportation Workplace Drug Testing Programs

49 C.F.R. Part 382.101 - Controlled Substance and Alcohol Use and Testing

49 C.F.R. Part 391.1 et seq. - Qualification of drivers

TRANSPORTATION SAFETY (continued)

Policies and Procedures Manual for Student Transportation, N.J. State Department of Education

The Department of Education School Bus Driver and Aide Training for Interacting with Students with Special Need: located on the New Jersey Department of Education website at: <http://www.nj.gov/education/finance/transportation/training/dis/>

Possible

<u>Cross References:</u>	*3516	Safety
	*3541.1	Transportation routes and services
	*4211	Recruitment, selection and hiring
	*4119.23/4219.23	Employee substance abuse
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131	Conduct/discipline
	*1531.1	Harassment, intimidation and bullying
	*5142	Student safety

*Indicates policy is included in the Critical Policy Reference Manual.

**New Jersey Department of Education
Office of Special Education Programs
STUDENT BUS INFORMATION CARD
SALEM CITY SCHOOL DISTRICT**

Name:	Date:
Age:	School:
Please use the space below to provide information to the school bus driver and/or bus aide that will assist them in ensuring your child rides the bus successfully.	
Does your child utilize any adaptive equipment, including a communication device, that the school bus driver and/or aide should be familiar with?	
Additional Comments/Suggestions:	
Parent/Guardian Signature:	Date:

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3542

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

FOOD SERVICE

The school lunch program shall make a nutritionally adequate lunch available to every student and shall operate on the most economically feasible basis.

It shall be operated in strict compliance with all laws and regulations pertaining to health, sanitation and safety; internal accounting; employment practices; nutritional standards; costs of lunches; and periodic reporting required by New Jersey law.

The School Breakfast and Lunch Programs shall:

Operate on a nonprofit basis, with prices to be approved by the Board as necessary;

- A. Be operated in strict compliance with all laws and regulations pertaining to health, sanitation and safety; internal accounting; employment practices; nutritional standards; costs of lunches; and periodic reporting;
- B. Charge school personnel a price in accordance with state school nutrition guidelines;
- C. Restrict the sale of federally defined "junk foods" in schools that operate the National

School Lunch Program from the beginning of the school day until the end of the last lunch period.

The sale of all foodstuffs in the school must be approved by the Board of Education. The sale of foods of low nutritional value (candy and other "junk foods") for fund raising projects must be approved by the Superintendent of Schools.

The business administrator/board secretary has overall responsibility for the administration and operation of the school breakfast and lunch programs in keeping with federal and state laws and the policies and directives of the Board.

Adopted: December 11, 1996, May 9, 2007, August 6, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

School Lunch, Food Service, Nutrition, Wellness,

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:18A-5	Exceptions to requirement for advertising
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:18A-5a(6)	
	<u>N.J.S.A.</u> 18A:18A-6	Standards for purchase of fresh milk; penalties; rules and regulations
	<u>N.J.S.A.</u> 18A:33-3 through -5	Cafeterias for students
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:58-7.1	

FOOD SERVICE (continued)

through -7.2	School lunch program ...
<u>N.J.A.C.</u> 2:36-1.1 et seq.	Child Nutrition Programs
<u>N.J.A.C.</u> 6A:23A-16.5	Supplies and equipment
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

<u>Cross References:</u>	*1200	Participation by the public
	*1220	Ad hoc advisory committees
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	*3220/3230	State funds; federal funds
	*3450	Money in school buildings
	*3510	Operation and maintenance of plant
	*3542.1	Local wellness/Nutrition
	*3542.31	Free or reduced-price lunches/milk
	*3542.44	Purchasing
	*4222	Noninstructional aides
	*5131	Conduct/discipline
	9123	Appointment of board secretary
	9124	Appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.

WELLNESS AND NUTRITION

The board believes that children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive, and that good health fosters student attendance and education.

Obesity rates have doubled in children and tripled in adolescents over the last two decades, and physical inactivity and excessive calorie intake are the predominant causes of obesity. Heart disease, cancer, stroke, and diabetes are responsible for two-thirds of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood. Further, the items most commonly sold from school vending machines, school stores, and snack bars include low-nutrition foods and beverages, such as soda, sports drinks, imitation fruit juices, chips, candy, cookies, and snack cakes.

To promote healthful behavior in the school, the board is committed to encouraging its students to consume fresh fruits, vegetables, lowfat milk and whole grains. The board is also committed to encouraging students to select and consume all components of the school meal.

In order to promote and protect children's health, well-being, and ability to learn, the board is committed to providing school environments that support healthy eating and physical activity and directs the superintendent to ensure that the district takes the appropriate measures to meet the following district wellness and nutrition goals:

- A. All students will have opportunities, support, and encouragement to be physically active on a regular basis;
- B. Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans, and the USDA nutrition standards for National School Lunch, School Breakfast and/or After School Snack Programs. The district will regulate the types of food and beverage items sold outside the federal meal requirements, such as ala carte sales, vending machines, school stores, and fundraisers;
- C. All students will be provided with adequate time for student meal service and consumption in a clean, safe, and pleasant dining environment. Lunch and recess or physical education schedules will be coordinated with the meal service;
- D. To the maximum extent practicable, all schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program including- After-School Snack Programs, Summer Food Service Program, and Child and Adult Care Food Program);
- E. Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services;
- F. The board will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies;
- G. District efforts to promote healthy nutrition and nutrition education, physical activity and other school-based activities that promote student wellness shall be measurable and evidence-based strategies and techniques and shall be implemented in each school.

WELLNESS AND NUTRITION (continued)

Foods and beverages available for sale including all snack and beverage items sold anywhere on school property during the school day, items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers or served in the reimbursable After School Snack Program, shall meet the United States Department of Agriculture, Nutrition Standards for All Foods Sold in School, as required by the Healthy Hunger-Free Kids Acts of 2010 (see 3542.1 Wellness and Nutrition, Federal Nutrition Standards for All Foods Sold in School, Summary Chart).

Committee Review

The superintendent or his or her designee shall endeavor to engage parents, students, and representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public for the purpose of developing, implementing, monitoring, reviewing, and, as necessary, revising the school nutrition and physical activity initiatives. A committee may be convened to annually review and when necessary recommend revisions to school policies related to wellness and nutrition.

The committee will annually report to the board on the implementation of programs and initiatives related to student wellness and nutrition. The board shall annually review and consider recommendations of the wellness committee.

Annual Assessment

The board shall ensure that an annual assessment of the district wellness and nutrition policy and programs is completed. The recommendations of the committee shall be reviewed and considered as part of the annual assessment. The assessment shall measure the implementation of the wellness and nutrition policy, and include:

- A. The extent to which each school is in compliance with the school wellness and nutrition policy;
- B. The extent to which the board wellness and nutrition policy compares to the federal and state model school wellness policies; and
- C. A description of the progress made in attaining the goals of the wellness and nutrition policy.

The board shall update or modify the policy and programs as necessary based on the results of annual assessment.

Physical Activity

For students to receive the nationally-recommended amount of daily physical activity (i.e., at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, the board is committed to providing opportunities for physical activity beyond physical education class. Activities that may be implemented include but shall not be limited to:

- A. Health education will complement and reinforce physical education. Students may be taught self-management skills that promote and help maintain a physically active lifestyle and reduce time spent on sedentary activities, such as watching television;
- B. As initiated and determined by the teacher, opportunities for physical activity may be incorporated into subject area lessons;
- C. Classroom teachers will make an effort to provide short physical activity breaks between lessons or

WELLNESS AND NUTRITION (continued)

classes, as appropriate;

- D. The daily schedule shall allow for periods of physical activity before or after meal periods and minimum of 20 minutes for recess daily; and
- E. The code of student conduct shall prohibit withholding recess or other periods of physical activity as a consequence or a disciplinary option.

Recordkeeping Requirements

The superintendent or his or her designee shall maintain records to document compliance with wellness and nutrition policy requirements. These records shall include but are not limited to:

- A. The written wellness and nutrition policy;
- B. Documentation demonstrating compliance with community involvement requirements;
- C. Documentation of the triennial assessment of the wellness and nutrition policy; and
- D. Documentation to demonstrate compliance with the annual public notification requirements.

Marketing

The marketing of food or beverages shall only be permitted on the school campus during the school day for foods and beverages that meet the competitive foods requirements.

For purposes of this policy, marketing is defined as advertising and other promotions in schools. Food marketing commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller, or any other entity with a commercial interest in the product.

The marketing of products on the exterior of vending machines, through posters, menu boards, coolers, trash cans, and other food service equipment, as well as cups used for beverage dispensing are all subject to board policy, and the logos and products marketed in these areas and items are required to meet the competitive foods standards for foods sold in schools. This restriction shall not apply to marketing that occurs at events outside of school hours such as after school sporting or any other events, including school fundraising events.

General Requirements

The district's curriculum shall incorporate nutrition education and physical activity consistent with the New Jersey Student Learning Standards.

Food and beverages that are not sold such as foods and beverages served during special school celebrations or during curriculum related activities shall be exempt from this policy. However, on such occasions healthy food choices such as fruits, vegetable, fruit juice and water shall be made available to all students participating in such activities.

This policy does not apply to medically authorized special needs diets pursuant to federal regulations; school nurses using food or beverages during the course of providing health care to individual students; or special needs students whose Individualized Education Program (IEP) indicates their use for behavior modification.

Adequate time shall be allowed for student meal service and consumption. Schools shall provide a pleasant

WELLNESS AND NUTRITION (continued)

dining environment. The board recommends that physical education or recess be scheduled before lunch whenever possible.

The superintendent will specifically address the issue of biosecurity for the school food service. Biosecurity may be part of the plans, procedures and mechanism for school safety.

The board is committed to promoting the nutrition policy with all food service personnel, teachers, nurses, coaches and other school administrative staff so they have the skills they need to implement this policy and promote healthy eating practices. The board will work toward expanding awareness about this policy among students, parents, teachers and the community at large.

The superintendent shall develop regulations consistent with this policy, including a process for measuring the effectiveness of its implementation, and designating personnel within each school with operational responsibility for ensuring the school is complying with the policy.

The superintendent shall ensure that the public is informed about the content of the wellness and nutrition policy. The wellness and nutrition policy and any updates to the policy shall be made available to the public on an annual basis. The policy may be posted on the school website and/or at locations deemed appropriate by the superintendent.

Notification

At a minimum, a copy of this policy shall be posted in the cafeteria(s), school store(s) and provided to the parent group(s) of the school district.

Parents/guardians shall be provided information supporting the provisions of this policy and promoting healthy choice awareness.

All staff members shall be provided with a copy of this policy annually or following any revision to it.

Adopted: July 12, 2006 May 9, 2007, October 8, 2014, March 11, 2015, May 6, 2015, July 13, 2016, August 8, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

School Lunch, Food Service, Nutrition, Wellness,

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:18A-4.1 f.,h.	Use of competitive contracting in lieu of public bidding; boards of education
	<u>N.J.S.A.</u> 18A:18A-5	Exceptions to requirement for advertising
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:18A-5a(6)	
	<u>N.J.S.A.</u> 18A:18A-6	Standards for purchase of fresh milk; penalties; rules and regulations
	<u>N.J.S.A.</u> 18A:33-3 through -5	Cafeterias for students
	<u>N.J.S.A.</u> 18A:33-9 through -14	Findings, declarations relative to school breakfast programs

WELLNESS AND NUTRITION (continued)See particularly:N.J.S.A. 18A:33-10N.J.S.A. 18A:33-15
through -19N.J.S.A. 18A:54-20N.J.S.A. 18A:58-7.1
through -7.2N.J.A.C. 2:36-1.1 et seq.See particularly:N.J.A.C. 2:36-1.7N.J.A.C. 6A:16-5.1(b)N.J.A.C. 6A:23A-1 et seq.See particularly:N.J.A.C. 6A:23A-16.5N.J.A.C. 6A:30-1.1 et seq.Improved Nutrition and Activity Act (IMPACT Act)

Powers of board (county vocational schools)

School lunch program

Child Nutrition Programs

Local school nutrition policy

School safety plans

Fiscal accountability, efficiency and budgeting procedures

Supplies and equipment

Evaluation of the Performance of School Districts

Sec. 204 at the Federal Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265)42 U.S.C. 1751 et seq.Richard B. Russell National School Lunch Act42 U.S.C. 1771 et seq.Child Nutrition Act of 19667 CFR Part 210 and 220

Healthy, Hunger-Free Kids Act of 2010

7 CFR Part 210

Medically authorized special needs diets

Possible**Cross References:**

*1200	Participation by the public
*1220	Ad hoc advisory committees
*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
*3220/3230	State funds; federal funds
*3450	Money in school buildings
*3510	Operation and maintenance of plant
*3542	Food Service
*3542.31	Free or reduced-price lunches/milk
*3542.44	Purchasing
*4222	Noninstructional aides
*5131	Conduct/discipline
9123	Appointment of board secretary
9124	Appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.

**United States Department of Agriculture
Nutrition Standards for All Foods Sold in School
Salem City Board of Education**

(see: <http://www.usda.gov/wps/portal/usda/usdahome>; and
http://www.fns.usda.gov/sites/default/files/allfoods_summarychart.pdf)

Food/Nutrient	Standard	Exemptions to the Standard
General Standard for Competitive Food.	<p>To be allowable, a competitive FOOD item must:</p> <ol style="list-style-type: none"> 1. meet all of the proposed competitive food nutrient standards; and 2. be a grain product that contains 50% or more whole grains by weight or have whole grains as the first ingredient*; or 3. have as the first ingredient* one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or 4. be a combination food that contains at least 1/4 cup fruit and/or vegetable; or 5. contain 10% of the Daily Value (DV) of a nutrient of public health concern (i.e., calcium, potassium, vitamin D, or dietary fiber). Effective July 1, 2016 this criterion is obsolete and may not be used to qualify as a competitive food. <p>*If water is the first ingredient, the second ingredient must be one of items 2, 3 or 4 above.</p>	<ul style="list-style-type: none"> • Fresh fruits and vegetables with no added ingredients except water are exempt from all nutrient standards. • Canned and frozen fruits with no added ingredients except water, or are packed in 100% juice, extra light syrup, or light syrup are exempt from all nutrient standards. • Canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all nutrient standards.
NSLP/SBP Entrée Items Sold A la Carte.	Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service in the lunch or breakfast program.	
Sugar-Free Chewing Gum	Sugar-free chewing gum is exempt from all competitive food standards.	
Grain Items	Acceptable grain items must include 50% or more whole grains by weight, or have whole grains as the first ingredient.	
Total Fat	Acceptable food items must have ≤ 35% calories from total fat as served.	<ul style="list-style-type: none"> • Reduced fat cheese (including part-skim mozzarella) is exempt from the total fat standard. • Nuts and seeds and nut/seed butters are exempt from the total fat standard. • Products consisting of only dried fruit

WELLNESS AND NUTRITION (*Federal Nutritional Standards for All Foods Sold in Schools* summary chart continued)

		<p>with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the total fat standard.</p> <ul style="list-style-type: none"> • Seafood with no added fat is exempt from the total fat standard. <p>Combination products are not exempt and must meet all the nutrient standards.</p>
Saturated Fat	Acceptable food items must have < 10% calories from saturated fat as served.	<ul style="list-style-type: none"> • Reduced fat cheese (including part-skim mozzarella) is exempt from the saturated fat standard. • Nuts and seeds and nut/seed butters are exempt from the saturated fat standard. • Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the saturated fat standard. <p>Combination products are not exempt and must meet all the nutrient standards</p>
Trans Fats	Zero grams of trans fat as served (≤ 0.5 g per portion).	
Sugar	Acceptable food items must have $\leq 35\%$ of weight from total sugar as served.	<ul style="list-style-type: none"> • Dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or vegetables with no added nutritive sweeteners are exempt from the sugar standard. • Dried whole fruits, or pieces, with nutritive sweeteners that are required for processing and/or palatability purposes (i.e. cranberries, tart cherries, or blueberries) are exempt from the sugar standard. <p>Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the sugar standard</p>
Sodium	Snack items and side dishes sold a la carte: ≤ 230 mg sodium per item as served. Effective July 1, 2016 snack items and side dishes sold a la carte	

WELLNESS AND NUTRITION (*Federal Nutritional Standards for All Foods Sold in Schools* summary chart continued)

	must be: ≤200 mg sodium per item as served, including any added accompaniments. Entrée items sold a la carte: ≤480 mg sodium per item as served, including any added accompaniments.	
Calories	Snack items and side dishes sold a la carte: ≤ 200 calories per item as served, including any added accompaniments. Entrée items sold a la carte: ≤350 calories per item as served including any added accompaniments.	Entrée items served as an NSLP or SBP entrée are exempt on the day of or day after service in the program meal.
Accompaniments	Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards.	
Caffeine	Elementary and Middle School: foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances. High School: foods and beverages may contain caffeine.	
Beverages		
	<p>Elementary School</p> <ul style="list-style-type: none"> • Plain water or plain carbonated water (no size limit); • Low fat milk, unflavored (≤8 fl. oz.); • Nonfat milk, flavored or unflavored (≤8 fl. oz.), including nutritionally equivalent milk alternatives as permitted by the elementary school • 100% fruit/vegetable juice (≤8 fl. oz.); • 100% fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (≤8 fl. oz.). <p>Middle School</p> <ul style="list-style-type: none"> • Plain water or plain carbonated water (no size limit); • Low-fat milk, unflavored (≤12 fl. oz.); • Non-fat milk, flavored or unflavored (≤12 fl. oz.), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; • 100% fruit/vegetable juice (≤12 fl. oz.); and • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤12 fl. oz.). <p>High School</p> <ul style="list-style-type: none"> • Plain water or plain carbonated water (no size limit); 	

WELLNESS AND NUTRITION (*Federal Nutritional Standards for All Foods Sold in Schools* summary chart continued)

	<ul style="list-style-type: none"> • Low-fat milk, unflavored (≤ 12 fl. oz.); • Non-fat milk, flavored or unflavored (≤ 12 fl. oz.), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; • 100% fruit/vegetable juice (≤ 12 fl. oz.); • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 12 fl. oz.); • Other flavored and/or carbonated beverages (≤ 20 fl. oz.) that are labeled to contain ≤ 5 calories per 8 fl. oz., or ≤ 10 calories per 20 fl. oz.; and • Other flavored and/or carbonated beverages (≤ 12 fl. oz.) that are labeled to contain ≤ 40 calories per 8 fl. oz., or ≤ 60 calories per 12 fl. oz. 	
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SCHOOL MEAL PROGRAM ARREARS

The school meal program shall make a nutritionally adequate meal (breakfast and/or lunch) available to every student and shall operate on the most economically feasible basis. It shall be operated in strict compliance with all laws and regulations pertaining to health; sanitation and safety; internal accounting; employment practices; nutritional standards; costs of meals; and periodic reporting required by New Jersey law.

The board of education believes that regularly consumed nutrition helps maintain the students' energy and facilitates concentration, supporting student achievement (see board policy 3542.1 Wellness and Nutrition). Therefore, it is the expectation of the board that students with the assistance of their parents/guardians come prepared for school each day with lunch/breakfast or meal money. Students repeatedly forgetting their breakfast or lunch meal or their meal money may be subject to consequences including parent/guardian conference, loss of privileges and detention according to the school code of student conduct.

Qualified students whose families have a financial hardship may apply for assistance according to policy 3542.31 Free or Reduced Price Lunches, Milk. The procedures for the administration of the free and reduced price meal program of this school district will be the same as those prescribed in current state and federal laws and regulations.

The board shall strive to make affordable meals available to all students. Students who do not qualify for free or reduced price meals or milk may receive school lunch through the school meal program for a fee that is approved by the board. Any student who has a hardship but does not qualify for free and reduced price lunches or milk, may be considered for other assistance on a case by case basis.

The purchase of meals through the school program shall be optional and shall not prevent any student from bringing their own lunch or breakfast to school.

The school business administrator shall be responsible for the accounting and tracking of revenues and expenses generated by the school meal program. The designated administrator shall oversee the notification of parents/guardians for the payment of charges and arrears associated with the school meal program. Being in arrears shall be defined as being behind in meal payments due, resulting in debt or liability to the district.

Procedures for Charging Lunch

In the event a student's school lunch or breakfast bill is in arrears, the designated administrator shall contact the student's parent/guardian to provide notice of the amount in arrears and shall provide the parent/guardian a period of ten school days to pay the full amount due. If the student's parent/guardian does not make full payment to the school by the end of the ten school days, the designated administrator shall again contact the student's parent/guardian to provide a second notice that their child's lunch or breakfast bill is in arrears. The district shall again contact the student's parent or guardian to provide notice of any action to be taken by the school district in response to a student's school breakfast or school lunch bill being in arrears (N.J.S.A. 18A:33-21).

The designated administrator shall implement appropriate measures that ensure that students who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill is in arrears shall not be publicly identified or stigmatized.

The district shall report at least biannually to the Department of Agriculture the number of students who are denied school breakfast or school lunch.

No district staff member shall:

SCHOOL MEAL PROGRAM ARREARS (continued)

- A. Publicly identify or stigmatize a student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill that is in arrears, for example, by requiring that the student sit at a separate table or wear a wristband, hand stamp, or identifying mark or by serving the student an alternative meal;
- B. Require a student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill that is in arrears to do chores or other work to pay for the school breakfast or school lunch; or
- C. Require a student to discard a school breakfast or school lunch after it has been served because of the student's inability to pay for a school breakfast or a school lunch or because money is owed for previously provided meals.

Procedures

Students without breakfast/lunch or meal money may receive a meal through the school meal program according to the following rules:

- A. Students without breakfast/lunch or meal money shall be allowed to select a meal from a limited menu not to exceed the reimbursable meal allowance and shall not be permitted ala carte items, or other food charges during the school day;
- B. Payment on the charge should be made by the student the following school day;
- C. The school business administrator shall notify the principal when the student has accumulated three (3) unpaid meal charges;
- D. The designated administrator shall notify parents/guardians of the breakfast/lunch arrears. This shall constitute the first notification in accordance with law (N.J.S.A. 18A:33-21). The notification shall include:
 - 1. The board policy 3542.2 School Meal Program Arrears;
 - 2. The requirement that payment be made within ten school days;
 - 3. A statement of the meal charges, that includes instructions for payment;
 - 4. A description and price list for the school breakfast/lunch program;
 - 5. Information regarding participation in the federal free or reduced price lunches, milk program;
 - 6. A request to schedule a conference to investigate and address the problem and to ascertain to what degree the student is responsible or if there are mitigating circumstances or financial hardship that are contributing to the problem;
- E. The designated administrator shall allow a period of ten (10) school days for the parent/guardian to pay the amount due;
- F. If the parent/guardian does not make full payment by the end of the ten (10) school days, a second letter will be sent by the designated administrator, stating that the student will not be served a school meal beginning five (5) school days from the date of the second notice, unless payment is made in full. Following the first notice the district shall continue to provide the student with a meal (lunch and/or breakfast). The second notice shall be mailed/mailed to the student and the parents/guardians and include:
 - 1. A statement that if payment in full is not made within one week from the date of the second notice, the action to be taken by the school district in response to a student's school breakfast or school lunch bill being in arrears, as applicable, beginning the eighth calendar day from the date of the second notice;
 - 2. The board policy 3542.2 School Meal Program Arrears;
 - 3. A statement of the meal charges, that includes instructions for payment;
 - 4. A request to schedule a conference with the principal to discuss the arrears;
 - 5. As necessary and appropriate notification that the district shall make a report to the Division of Child Protection and Permanency;

SCHOOL MEAL PROGRAM ARREARS (continued)

6. As necessary and appropriate notification that the district will enforce collection efforts and related fees, including filing a cause of action in small claims court.
- G. If a student owes money for the equivalent of five or more school meals, the district shall:
1. Determine if the student is eligible for a free or reduced price school meal;
 2. Make at least two attempts, not including the application or instructions provided to the parent or guardian, to contact the student's parent or guardian and have the parent or guardian fill out an application for the school lunch program and school breakfast program; and
 3. Require a principal, or a person designated by the principal, to contact the parent or guardian to offer assistance with the application for the school lunch and school breakfast program, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school breakfast or school lunch, and offer any other appropriate assistance;
- H. The district shall direct communications about a student's school breakfast or school lunch bill being in arrears to the parent or guardian and not the student. The district may send a student home with a letter addressed to a parent or guardian;
- I. Qualified students receiving assistance according to policy 3542.31 Free or Reduced Price Lunches, Milk who accumulate arrears shall continue to receive a meal not to exceed the reimbursable meal allowance regardless of a bill in arrears. The student shall not, however, be permitted ala carte items, or other food charges during the school day;
- J. Students may receive an alternate meal during the period that regular meals have been suspended. This alternative meal shall provide adequate nutritional benefits to the student and will be prepared in consideration of any food allergies the student may have;
- K. Provided the designated administrator has sent the required letters to parents/guardians, as noted above, after three (3) meal charges, students will not be permitted to participate in the school breakfast program until meal charges are paid in full.

Restrictions related to the purchase of ala carte items or other foods that are offered as part of the school meal program shall cease upon payment of the charges in arrears.

Payment of Charges

The school business administrator shall be responsible for tracking and billing all lunch accounts in arrears. The following guidelines shall apply:

- A. Charges will show a negative account balance on the student's school meal program account, and billed, at a minimum, quarterly to the parent/guardian;
- B. Payments on charges shall be brought directly to the main office or mailed to the main office;
- C. The payment shall be recorded and a receipt generated and given or mailed in acknowledgement of payment received according to the established district business procedures.

Implementation

At the beginning of the school year, and upon initial enrollment in the case of a student enrolling during the school year, the district shall provide to the parent or guardian of each student:

- A. Information on the National School Lunch Program and the federal School Breakfast Program;
- B. An application to apply for the school lunch and school breakfast programs and instructions for completing the application;

SCHOOL MEAL PROGRAM ARREARS (continued)

C. Information on the rights of students and their families under the law pertaining to school meal arrears (N.J.S.A. 18A:33-21).

A copy of this policy shall be provided in writing to all households at the start of each school year and to households whose children transfer into the district during the school year. It is recommended that a copy of the policy be included in student handbooks and/or online. Multiple methods of communication with parents/guardians should be used whenever possible. Additionally, all staff members shall be provided with a copy of this policy to ensure proper enforcement.

The district may provide the application and information electronically, through the usual means by which the district communicates with parents electronically. The application and information shall be in a language that the parent or guardian understands.

The district liaison for the education of homeless children shall coordinate with school personnel to ensure that a homeless student receives free school meals and is monitored according to the board policies.

The policy shall be reviewed regularly and updated as necessary.

Adopted: June 12, 2022, May 9, 2007, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

School Lunch, Food Service, Nutrition, Wellness,

Legal References:	N.J.S.A. 18A:11-1	General mandatory powers and duties
	N.J.S.A. 18A:18A-5	Exceptions to requirement for advertising
	See particularly:	
	N.J.S.A. 18A:18A-5a(6)	
	N.J.S.A. 18A:18A-6	Standards for purchase of fresh milk; penalties; rules and regulations
	N.J.S.A. 18A:33-3 through -5	Cafeterias for students
	N.J.S.A. 18A:33-21	Schools meals, notification to parent of payment in arrears before denying to student
	N.J.S.A. 18A:33-21a	Hunger-Free Students Bill of Rights Act
	N.J.S.A. 18A:33-21b	Information provided to parents, guardians
	N.J.S.A. 18A:33-21c	Provision of meals to homeless students
	N.J.S.A. 18A:33-21.1	State required to pay difference between federal allocation and total cost of reduced price breakfast, lunch
	N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
	N.J.S.A. 18A:58-7.1 through -7.2	School lunch program ...
	N.J.A.C. 2:36-1.1 <u>et seq.</u>	Child Nutrition Programs
	N.J.A.C. 6A:23A-16.5	Supplies and equipment
	N.J.A.C. 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>Healthy, Hunger-Free Kids Act of 2010</u> (Section 143), P.L. 111-296; December 13, 2010.	

Federal policy guidance and resources guidance at <https://www.fns.usda.gov/school-meals/policy>. See:

SP 17-2014, January 22, 2014	<i>Discretionary Elimination of Reduced Price Charges in the School Meal Program</i>
SP 46-2016, July 8, 2016.	<i>Unpaid Meal Charges: Local Meal Charge Policies</i>
SP 46-2016, July 8, 2016	<i>Unpaid Meal Charges: Clarification on Collection of Delinquent Meal</i>

SCHOOL MEAL PROGRAM ARREARS (continued)

SP 23-2017, March 23, 2017. *Payments*
 Unpaid Meal Charges: Guidance and Q&A

Possible

<u>Cross References:</u>	*1200	Participation by the public
	*1220	<u>Ad hoc</u> advisory committees
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	*3220/3230	State funds; federal funds
	*3250	Income from fees, fines and charges
	*3450	Money in school buildings
	*3510	Operation and maintenance of plant
	*3542.1	Wellness and nutrition
	*3542.31	Free or reduced-price lunches/milk
	*3542.44	Purchasing
	*4222	Noninstructional aides
	*5131	Conduct/discipline
	9123	Appointment of board secretary
	9124	Appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SCHOOL MEAL PROGRAM ARREARS

The school meal program shall make a nutritionally adequate meal (breakfast and/or lunch) available to every student and shall operate on the most economically feasible basis. It shall be operated in strict compliance with all laws and regulations pertaining to health; sanitation and safety; internal accounting; employment practices; nutritional standards; costs of meals; and periodic reporting required by New Jersey law.

The board of education believes that regularly consumed nutrition helps maintain the students' energy and facilitates concentration, supporting student achievement (see board policy 3542.1 Wellness and Nutrition). Therefore, it is the expectation of the board that students with the assistance of their parents/guardians come prepared for school each day with lunch/breakfast or meal money. Students repeatedly forgetting their breakfast or lunch meal or their meal money may be subject to consequences including parent/guardian conference, loss of privileges and detention according to the school code of student conduct.

Qualified students whose families have a financial hardship may apply for assistance according to policy 3542.31 Free or Reduced Price Lunches, Milk. The procedures for the administration of the free and reduced price meal program of this school district will be the same as those prescribed in current state and federal laws and regulations.

The board shall strive to make affordable meals available to all students. Students who do not qualify for free or reduced price meals or milk may receive school lunch through the school meal program for a fee that is approved by the board. Any student who has a hardship but does not qualify for free and reduced price lunches or milk, may be considered for other assistance on a case by case basis.

The purchase of meals through the school program shall be optional and shall not prevent any student from bringing their own lunch or breakfast to school.

The school business administrator shall be responsible for the accounting and tracking of revenues and expenses generated by the school meal program. The principal or his or her designee shall oversee the notification of parents/guardians for the payment of charges and arrears associated with the school meal program. Being in arrears shall be defined as being behind in meal payments due, resulting in debt or liability to the district.

Procedures for Charging Lunch

In the event a student's school lunch or breakfast bill is in arrears, the principal or his or her designee shall contact the student's parent/guardian to provide notice of the amount in arrears and shall provide the parent/guardian a period of ten school days to pay the full amount due. If the student's parent/guardian does not make full payment to the school by the end of the ten school days, the principal or his or her designee shall again contact the student's parent/guardian to provide a second notice that their child's lunch or breakfast bill is in arrears and to provide notice of any action to be taken by the school district in response to a student's school breakfast or school lunch bill being in arrears (N.J.S.A. 18A:33-21).

The building principal or his or her designee shall implement appropriate measures that ensure that students who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill is in arrears shall not be publicly identified or stigmatized.

The district shall report at least biannually to the Department of Agriculture the number of students who are denied school breakfast or school lunch.

No district staff member shall:

SCHOOL MEAL PROGRAM ARREARS (continued)

- A. Publicly identify or stigmatize a student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill that is in arrears, for example, by requiring that the student sit at a separate table or wear a wristband, hand stamp, or identifying mark or by serving the student an alternative meal;
- B. Require a student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill that is in arrears to do chores or other work to pay for the school breakfast or school lunch; or
- C. Require a student to discard a school breakfast or school lunch after it has been served because of the student's inability to pay for a school breakfast or a school lunch or because money is owed for previously provided meals.
- D. Prohibit an unsubsidized student, or a sibling of such a student, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt; or
- E. Require the parent or guardian of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

If a student owes money for the equivalent of five or more school meals, the district shall:

- A. Determine whether the student is categorically eligible or income-eligible for free or reduced price meals, by conducting a review of all available records related to the student, and by making at least two attempts, not including the initial attempt at the beginning of the school year, to contact the student's parent or guardian and have the parent or guardian fill out a school meals application; and
- B. The principal, or a person designated by the principal shall contact the parent or guardian of the unsubsidized student to offer assistance with respect to the completion of the school meals application, to determine if there are other issues in the household that have caused the child to have insufficient funds to purchase a school breakfast or school lunch, and to offer any other appropriate assistance.

The district shall direct communications about a student's school breakfast or school lunch bill being in arrears to the parent or guardian and not the student. The district may send a student home with a letter addressed to a parent or guardian;

An unsubsidized student shall not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination as to whether the student is eligible for and can be certified to receive, free or reduced price meals.

Payment of Charges

The school business administrator shall be responsible for tracking and billing all lunch accounts in arrears. The following guidelines shall apply:

- A. Charges will show a negative account balance on the student's school meal program account, and billed, at a minimum, quarterly to the parent/guardian;
- B. Payments on charges shall be brought directly to the main office or mailed to the main office;
- C. The payment shall be recorded and a receipt generated and given or mailed in acknowledgement of

SCHOOL MEAL PROGRAM ARREARS (continued)

payment received according to the established district business procedures.

Implementation

At the beginning of the school year, and upon initial enrollment in the case of a student enrolling during the school year, the district shall provide to the parent or guardian of each student:

- A. Information on the National School Lunch Program and the federal School Breakfast Program including, but not limited to, information on the availability of free or reduced price meals for eligible students, information on the application and determination processes that are used to certify eligible students for subsidized school meals, and information on the rights that are available to students and their families ;
- B. An application to apply for the school lunch and school breakfast programs and instructions for completing the application;

The school meals information and application provided to parents and guardians shall:

- A. Be communicated in a language that the parent or guardian understands;
- B. Specify the limited purposes for which collected personal data may be used, as provided by subsection c. of this section; and
- C. Are submitted to the parent or guardian either in writing or electronically. In the latter case, the school district shall use the usual means by which it communicates with parents and guardians electronically.

A school meals application that is completed by a parent or guardian shall be confidential, and shall not be used or shared by the student's school or school district, except as may be necessary to:

- A. Determine whether a student identified in the application is eligible for free or reduced price school meals;
- B. Determine whether the school or school district is required to establish a breakfast after the bell program, or to participate as a sponsor or site in the federal Summer Meals Service Program;
- C. Ensure that the school receives appropriate reimbursement, from the state and federal governments, for meals provided to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and
- D. Facilitate school aid determinations under the "School Funding Reform Act of 2008,"

The district liaison for the education of homeless children shall coordinate with school personnel to ensure that a homeless student receives free school meals and is monitored according to the board policies.

Nothing in this policy shall be construed to require a school district to deny or restrict the ability of an unsubsidized student to access school breakfast or school lunch when the student's school breakfast or school lunch bill is in arrears.

The policy shall be reviewed regularly and updated as necessary.

Adopted: April 12, 2023

Key Words

School Lunch, Food Service, Nutrition, Wellness,

SCHOOL MEAL PROGRAM ARREARS (continued)

Legal References:	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:18A-5	Exceptions to requirement for advertising
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:18A-5a(6)	
	<u>N.J.S.A.</u> 18A:18A-6	Standards for purchase of fresh milk; penalties; rules and regulations
	<u>N.J.S.A.</u> 18A:33-3	
	through -5	Cafeterias for students
	<u>N.J.S.A.</u> 18A:33-21	Schools meals, notification to parent of payment in arrears before denying to student
	<u>N.J.S.A.</u> 18A:33-21a	Hunger-Free Students Bill of Rights Act
	<u>N.J.S.A.</u> 18A:33-21b	Information provided to parents, guardians
	<u>N.J.S.A.</u> 18A:33-21c	Provision of meals to homeless students
	<u>N.J.S.A.</u> 18A:33-21.1	State required to pay difference between federal allocation and total cost of reduced price breakfast, lunch
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:58-7.1	
	through -7.2	School lunch program ...
	<u>N.J.A.C.</u> 2:36-1.1 <u>et seq.</u>	Child Nutrition Programs
	<u>N.J.A.C.</u> 6A:23A-16.5	Supplies and equipment
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>Healthy, Hunger-Free Kids Act of 2010</u> (Section 143), P.L. 111-296; December 13, 2010.	

Federal policy guidance and resources guidance at <https://www.fns.usda.gov/school-meals/policy>. **See:**

SP 17-2014, January 22, 2014	<i>Discretionary Elimination of Reduced Price Charges in the School Meal Program</i>
SP 46-2016, July 8, 2016.	<i>Unpaid Meal Charges: Local Meal Charge Policies</i>
SP 46-2016, July 8, 2016	<i>Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments</i>
SP 23-2017, March 23, 2017.	<i>Unpaid Meal Charges: Guidance and Q&A</i>

Possible

Cross References:	*1200	Participation by the public
	*1220	<u>Ad hoc</u> advisory committees
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	*3220/3230	State funds; federal funds
	*3250	Income from fees, fines and charges
	*3450	Money in school buildings
	*3510	Operation and maintenance of plant
	*3542.1	Wellness and nutrition
	*3542.31	Free or reduced-price lunches/milk
	*3542.44	Purchasing
	*4222	Noninstructional aides
	*5131	Conduct/discipline
	9123	Appointment of board secretary
	9124	Appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.

SCHOOL MEAL PROGRAM ARREARS (continued)

File Code: 3542.2

Policy

PROCUREMENT PROCEDURES FOR CHILD NUTRITION PROGRAMS

In accordance with the provisions of N.J.S.A. 18A:18A-1 et seq., New Jersey Public School Contract Law, 21 CFR Part 200, 318 , CFR Part 3019.42 and the policies of the Salem City Board of Education dealing with purchasing, the board shall ensure open and free competition for the procurement of food and adhere to the most restrictive federal/state/local requirements.

This district seeks to conduct all procurement procedures in compliance with stated regulations and to prohibit conflicts of interest and actions of employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal, state, or local award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.

The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.

Adopted: October 11, 2017, August 8, 2018
NJSBA Review/Revision: March 2022
Readopted: October 12, 2022

Key Words

School Lunch, Food Service, Nutrition, Wellness,

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:18A-4.1 f.,h. Use of competitive contracting in lieu of public bidding; boards of education
N.J.S.A. 18A:18A-5 Exceptions to requirement for advertising
See particularly:
N.J.S.A. 18A:18A-5a(6)
N.J.S.A. 18A:18A-6 Standards for purchase of fresh milk; penalties; rules and regulations
N.J.S.A. 18A:33-3 through -5 Cafeterias for students
N.J.S.A. 18A:33-9 through -14 Findings, declarations relative to school breakfast programs

See particularly:

<u>N.J.S.A. 18A:33-10</u>	
<u>N.J.S.A. 18A:33-15</u>	<u>Improved Nutrition and Activity Act (IMPACT Act)</u>
through -19	
<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
<u>N.J.S.A. 18A:58-7.1</u>	
through -7.2	School lunch program
<u>N.J.A.C. 2:36-1.1 et seq.</u>	Child Nutrition Programs
See particularly:	
<u>N.J.A.C. 2:36-1.7</u>	Local school nutrition policy
<u>N.J.A.C. 6A:16-5.1(b)</u>	School safety plans
<u>N.J.A.C. 6A:23A-1 et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
See particularly:	
<u>N.J.A.C. 6A:23A-16.5</u>	Supplies and equipment
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

Form 326 Procurement Procedures for School Food Authorities, New Jersey
Department of Agriculture

Sec. 204 at the Federal Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265)

42 <u>U.S.C.</u> 1751 <u>et seq.</u>	<u>Richard B. Russell National School Lunch Act</u>
42 <u>U.S.C.</u> 1771 <u>et seq.</u>	<u>Child Nutrition Act of 1966</u>
7 <u>CFR</u> Part 210 and 220	Healthy, Hunger-Free Kids Act of 2010
7 <u>CFR</u> Part 210	Medically authorized special needs diets

Possible

<u>Cross References:</u>	*1200	Participation by the public
	*1220	Ad hoc advisory committees
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	*3220/3230	State funds; federal funds
	*3320	Purchasing procedures
	*3450	Money in school buildings
	*3510	Operation and maintenance of plant
	*3542	Food Service
	*3542.31	Free or reduced-price lunches/milk
	*3542.44	Purchasing
	*4222	Noninstructional aides
	*5131	Conduct/discipline
	9123	Appointment of board secretary
	9124	Appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3542.31

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> </u>	Other Reasons

Policy

FREE OR REDUCED-PRICE LUNCHES/MILK

It is the policy of the board of education that this school district shall participate in any federal or state subsidized food program for the benefit of eligible students. Student eligibility shall be as determined by the guidelines of the subsidizing agency. The board requires that all regulations of the subsidizing agency be observed including and especially those which preserve the privacy of eligible students.

The board hereby adopts as its own the free and reduced-price policy developed by the bureau of child nutrition programs pursuant to federal regulations.

Offer Versus Serve

In order to reduce food waste and costs relating to reimbursable meals, the Salem City School District shall, to the extent permitted by federal regulations, participate in the Offer Versus Serve program, as described in this policy.

Offer Versus Serve for both lunch and breakfast will be implemented at Salem City High School & Salem City Middle School.

Food service staff members shall be trained annually in the provisions of this policy

Lunch Offer Versus Serve

Students receiving reimbursable lunches may decline a certain number of food components in the meal. A school lunch eligible for federal reimbursement shall offer five (5) food components in the appropriate amounts per grade grouping:

Fruit;
Vegetable;
Milk;
Grain;
Meat/Meat Alternate.

Students may decline two (2) of the five (5) required food components, but must select at least 1/2 cup of either fruit (or fruit combination) or a 1/2 cup of vegetable (or vegetable combination) or 1/2 cup of a fruit/vegetable combination.

Students must also select at least two (2) additional full components in the full amounts (per age/grade grouping required amount) to count towards a reimbursable Offer Versus Serve meal.

The student's decision to accept all five (5) food components or to decline two (2) food components shall not affect the price charged for the meal. The lunch is priced as a unit. If students do not choose enough food items to comprise a reimbursable meal, a-la-carte prices will be charged.

School staff shall not make exceptions to this policy, such as requiring every student to take a particular food component. It is the student's choice to select any three (3), four (4) or all five (5) components of the reimbursable meal.

Breakfast Offer Versus Serve

Students receiving reimbursable breakfasts may decline a certain number of food components in the meal. A school breakfast eligible for federal reimbursement shall offer four (4) food items from the three (3) food components in the appropriate amounts per grade grouping:

Fruit or vegetable or juice;
Milk;
Grains, including optional Meat/Meat Alternate

Students may decline one (1) of the four (4) items offered.

The student's decision to accept all four (4) food items or to decline one (1) food item shall not affect the price charged for the meal. The breakfast is priced as a unit. If students do not choose enough food items to comprise a reimbursable meal, a-la-carte prices will be charged.

School staff, including food service staff, shall not make exceptions to this policy, such as requiring every student to take a particular food component. It is the student's choice to select any three (3) or all four (4) components of the reimbursable meal.

Adopted: May 9, 2007, January 7, 2014, August 8, 2018
NJSBA Review/Update: March 2022
Readopted: October 12, 2022

Key Words

Free Lunch, School Lunch, Lunch, Milk, Reduced-price Lunches/Milk

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:33-3	Cafeterias for students
	<u>N.J.S.A.</u> 18A:33-4	School lunch; availability to all children
	<u>N.J.S.A.</u> 18A:33-5	Exemptions
	<u>N.J.S.A.</u> 18A:33-10	Establishment of school breakfast program in certain schools
	<u>N.J.S.A.</u> 18A:33-11	Implementation of school breakfast program by district
	<u>N.J.S.A.</u> 18A:58-7.1	
	through -7.2	School lunch program
	<u>N.J.A.C.</u> 2:36-1.2	Policy and agreement for school nutrition programs
	<u>N.J.A.C.</u> 2:36-1.8	Review and evaluation

Possible

<u>Cross References:</u>	*2224	Affirmative action/nondiscrimination
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	*3220/3230	State funds; federal funds
	*3450	Money in school buildings
	*3510	Operation and maintenance of plant
	*3542	Food Service
	*3542.1	Wellness and nutrition
	*3542.44	Purchasing
	*4222	Noninstructional aides
	9123	Appointment of board secretary
	9124	Appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3542.44

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> </u>	Other Reasons

Policy

PURCHASING

The Salem City Board of Education authorizes and directs the superintendent or designee to execute contracts with proper vendors in accordance with state law to purchase subsistence amounts of perishable foods without competitive bids. This policy shall be published annually as required by law, along with the procedures by which authorized vendors may become eligible to submit quotations.

The business administrator is authorized to purchase not more than \$500 worth of food supplies in any month for the cafeterias or food preparation classes without soliciting quotations. Such purchases must be documented according to law.

Adopted:	May 9, 2007, August 8, 2018
NJSBA Review/Update:	March 2022
Readopted:	October 12, 2022

Key Words

Food Purchases, Purchasing Procedures

Legal References: N.J.S.A. 18A:18A-5(a)6 Exceptions to requirements for advertising
 N.J.S.A. 18A:18A-6 Standards for purchase of fresh milk; penalties; rules and regulations
 N.J.A.C. 6A:23A-16.5(d)(3)Supplies and equipment

Possible

Cross References: *3320 Purchasing procedures
 3571 Financial reports

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3570

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

DISTRICT RECORDS AND REPORTS

The operation of a school district results in the generation of numerous documents and official records. These must be maintained in compliance with the New Jersey Open Public Records Act and other laws and regulations. Members of the public have the right under law to inspect and copy (with certain exceptions) the public records of the district.

The district plans to preserve these records by:

- A. Appointing the business administrator as records custodian;
- B. Periodically reviewing records retention with the superintendent and the school board or a committee thereof; and
- C. Retaining records according to the schedule for educational institutions promulgated by New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS). A partial schedule, for key classes of records, is shown at the end of this policy.

Availability to the Public

For the protection of the public interest, the Salem City Board of Education believes that members of the community have a right to inspect, copy or examine district records, with certain exemptions as specifically described in statute. Any limitations on this right shall be construed in favor of the public's right to access. Requests for district records shall be submitted to the records custodian (or designee) in writing on the appropriate form. The custodian shall reply to all requests promptly and shall grant access or deny the request as soon as possible, but within seven days, provided that the record is currently available and not in storage or archived.

The custodian shall permit district records to be inspected, examined or copied during the hours that the board office is open. Immediate access ordinarily must be granted for budgets, bills, contracts and collective negotiations agreements. Copies may be made at fees not to exceed those set by statute. Anonymous requests for government records are permitted by law. If an anonymous request is made and the estimated cost of producing copies exceeds \$5.00, a deposit may be required. Anonymous requests for personal information will not be fulfilled.

Access shall be granted in the medium requested or some other meaningful medium, unless the request is for a record in a medium not routinely used by the district; not routinely developed or maintained by the district; or requiring a substantial amount of manipulation or programming of information technology. In these cases, the board may add a special reasonable charge. The custodian shall ensure that statements are prominently posted in district offices that describe the specific terms of the public's right to appeal a denial of access and procedures for filing an appeal.

Records Exempted from Public Access

Records exempted by law include: security and emergency response procedures; purchase, lease or acquisition of real property; pending or anticipated litigation; reports of investigations in progress; matters for which disclosure would impair the right to receive federal funds; pending negotiations toward a collective bargaining agreement; most personnel and pension records of an individual; questions and answer keys (for

DISTRICT RECORDS AND REPORTS (continued)

personnel or academic examinations and job interviews); records concerning individual students and staff, their home addresses and telephone numbers (unless waived by the individual); reports and recommendations that involve unwarranted invasion of privacy; medical and psychological records. The records custodian will keep confidential and edit out information in records that disclose social security numbers, credit card information and drivers' license numbers.

Record Retention

Record retention periods in conformance with state and federal codes, regulations, and statutes of limitation may be accessed through the New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS) at <http://www.nj.gov/treasury/revenue/rms/retention.shtml>. The records custodian will ensure that records are retained and appropriately stored in accordance with state and federal statute and regulation. A partial schedule of retention periods for pertinent school record categories is listed below (Note: the School District Records Retention and Disposition Schedule should be consulted before any record is destroyed).

Partial Record Retention Schedule

- A. *Financial records*: 7 (seven) years
- B. *Agendas and minutes*: Permanent for originals; 1 year for copies
- C. *Resolutions of the school board*: Permanent
- D. *Administrative policy and advisory statements*: Permanent
- E. *Correspondence, including emails*: 3 (three) years for general external correspondence; one year for internal correspondence
- F. *Official public meeting notice*: 3 (three) years
- G. *Legal notice in newspaper*: 7 (seven) years
- H. *Publisher's affidavits*: 10 (ten) years
- I. *Tape recordings of school board meetings (audio tape and video)*: 45 (forty-five) days or until summary or verbatim transcripts have been approved as minutes
- J. *Election file*: 5 (five) years for bonding election report, certificate and voting authority
- K. *Other election materials*: 1 (one) year
- L. *Master publications file of school newsletters, yearbooks, student handbooks, etc.*: Permanent
- M. *School monitoring file (with school monitoring annual plan)*: Permanent
- N. *Internal monitoring guide and action plan*: 14 (fourteen) years
- O. *Academic master plan (updated every seven years)*: Permanent
- P. *Support file for the academic master plan, including school evaluations*: 10 (ten) years.
- Q. *Fall and statistical report file*: 5 (five) years

DISTRICT RECORDS AND REPORTS (continued)

R. *Settlements (original)*: Permanent

S. *Agency copy of routine settlements*: 3 (three) years after final settlement

School District Retention Schedule: Active Records – Administration, can be found at RMS School District Records Retention and Disposition Schedule reference number M7000101-001. For all other items the district will consult RMS Individual Educational Records Series Description and Series Number for retention and disposal information.

Implementation

The superintendent shall periodically review the work of the records custodian with the school board or a committee thereof, to ensure that necessary steps are being taken to gather, record, disseminate, copy, store and ultimately to destroy school district records in accordance with applicable laws. Particular attention shall be paid to implementing the public's right to access records and to protecting from public access those records specifically exempted by law. If deemed necessary, the board will adopt additional rules, regulations and procedures to implement this policy.

Permanent Storage of Sensitive Information

The district is responsible for the safe and secure storage of sensitive information including, but not limited to, records and/or reports in the following categories:

Student records:

- A. Academic ;
- B. Attendance;
- C. Health;
- D. Discipline;
- E. Individualized Education Plans;
- F. Anecdotal;
- G. Student Directories.
- H. Harassment, Intimidation & Bullying Reports

Personnel:

- A. Payroll;
- B. Attendance;
- C. Health;
- D. Discipline;
- E. Evaluative;
- F. Grievances.

District Records

- A. Bids;
- B. Contracts;

DISTRICT RECORDS AND REPORTS (continued)

- C. Expense Records;
- D. Legal Records;
- E. Reports required by law to be maintained;
- F. Investigations;
- G. Affirmative Action.

Any and all other records of a sensitive nature that may not be considered public records.

The business administrator/board secretary shall develop and implement procedures for the safe storage of these sensitive records. These procedures shall include the requirement that no sensitive information shall be stored permanently in any movable media, unless such information can be adequately protected by an appropriate encryption technology.

For the purposes of this policy "movable media" shall mean any electronic storage device, such as diskette, compact disk, zip disk, external hard drive, dvd, etc., and "encryption" shall be defined as conversion of data or reports into a code designed to preclude duplication, reproduction, revision or deletion difficult if not impossible.

Adopted: March 8, 1990, May 9, 2007, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: October 12, 2022

Key Words

District Records and Reports, Public Access, Records, Reports

<u>Legal References:</u> <u>N.J.S.A. 10:4-6 et seq.</u> <u>N.J.S.A. 18A:4-14</u> <u>N.J.S.A. 18A:7A-11</u> <u>N.J.S.A. 18A:11-2</u> <u>See particularly:</u> <u>N.J.S.A. 18A:11-2(b)</u> <u>N.J.S.A. 18A:17-7</u> through -12 <u>N.J.S.A. 18A:17-28(e)</u> <u>N.J.S.A. 18A:17-35</u> <u>N.J.S.A. 18A:17-36</u> <u>N.J.S.A. 18A:17-46</u> <u>N.J.S.A. 18A:36-19</u> <u>N.J.S.A. 47:1A-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 47:1A-1.1, -5</u> <u>N.J.S.A. 47:3-15 et seq.</u> <u>N.J.A.C. 2:36-1.1 et seq.</u> <u>N.J.A.C. 6A:16-5.3</u> <u>N.J.A.C. 6A:23A-16.1 et seq.</u>	<u>Open Public Meetings Act</u> Uniform system of bookkeeping for school districts Reports by local school district, commissioner; interim review Power to sue and be sued; reports; census of school children Secretary to give notices and keep minutes, etc. Duties of business manager Records of receipts and payments Accounting; monthly and annual reports Act of violence; report by school employee; notice of action taken; annual report Student records; creation, maintenance and retention, security and access; regulations; nonliability Examination and copies of public records (<u>Open Public Records Act</u>) Destruction of Public Records Law Child Nutrition Programs Incident reporting of violence, vandalism and substance abuse Prescribed system of double-entry bookkeeping and GAAP accounting
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DISTRICT RECORDS AND REPORTS (continued)

N.J.A.C. 6A:27-7.9 Vehicle records
 N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
 N.J.A.C. 6A:32-7.1 et seq. Student Records

See particularly:

N.J.A.C. 6A:32-7.1(g), -7.8
 N.J.A.C. 15:3-2.1 et seq. Records Retention

Annual Data Collection Plan, New Jersey State Department of Education

Records Retention Schedule, New Jersey State Department of Education

Matawan Regional Teachers Association v. Matawan-Aberdeen Bd. of Ed., 212 N.J. Super. 328 (Law Div. 1986)

Laufgas v. Barnegat Twp. Bd. of Ed., 1987 S.L.D. 2442, aff'd St. Bd. 1988 S.L.D. 2496

Horner v. Kingsway Regional, 1990 S.L.D. 752

Beatty v. Chester Bd of Ed, 1999 S.L.D. (Sept.)

Possible

<u>Cross References:</u>	3543	Office services
	3571	Financial reports
	*4112.6/4212.6	Personnel records
	*5125	Student records
	*5131.5	Vandalism/violence
	*6142.2	English as a second language; bilingual/bicultural
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*9322	Public and executive sessions
	*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 3571.4

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

AUDIT

An audit of the accounts of the school district shall be made annually by a public school accountant selected by the Salem City Board of education. The audit examination shall be conducted in accordance with statute and generally accepted auditing standards and shall include all funds over which the board has direct or supervisory control.

An auditor's fee shall be established in each fiscal year. The board of education shall select an auditing firm experienced in school accounting and willing to perform the required services for the established fee.

Within 30 days following the receipt of the annual audit, the board of education will, at a regular meeting, cause the recommendations of the auditor to be read and to be discussed, and the discussion noted in the minutes of the meeting. The board will direct the implementation of the auditor's recommendations.

Adopted: June 12, 2022, May 9, 2007, August 8, 2018

NJSBA Review/Update: March 2022

Readopted: October 12, 2022

Key Words

Audit, Auditor

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-68	Bookkeeping and accounting system (educational services commission)
	<u>N.J.S.A.</u> 18A:18A-1 <u>et seq.</u>	Public School Contracts Law
	<u>N.J.S.A.</u> 18A:23-1 <u>et seq.</u>	Audits and auditors
	<u>N.J.A.C.</u> 6A:23A-1 <u>et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
	<u>N.J.A.C.</u> 6A:23A-1.2	Definitions
	<u>N.J.A.C.</u> 6A:23A-16.2	Principles and directives for accounting and reporting
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

<u>Cross References:</u>	*1100	Communicating with the public
	*1120	Board of education meetings
	*3570	District records and reports
	3571	Financial reports
	9127	Appointment of auditor

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

EVALUATION OF BUSINESS AND NONINSTRUCTIONAL OPERATIONS

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

The business administrator/board secretary shall identify processes that when performed by the same individuals are a violation of sound segregation of duties. The business administrator/board secretary shall segregate the duties of all such processes among business office staff based on available district resources, assessed vulnerability and the associated cost-benefit.

The following functions shall be segregated and completed by different employees in all districts:

- A. Human resources and payroll;
- B. Purchasing and accounts payable.

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

Adopted: December 9, 2009, August 8, 2018
NJSBA Review/Update: March 2022
Readopted: October 12, 2022

Key Words

Concepts and Roles in Business, Noninstructional Operations, Goals and Objectives in Business and Noninstructional Operations, Planning, Business

Legal References: N.J.S.A. 18A:11-1 General Mandatory Powers and Duties
N.J.A.C. 6A:23A-6.5 Segregation of duties

Possible

Cross References:	*3000/3010	Concepts and Roles in business and non-instructional operation
	*3100	Budget planning, preparation and adoption
	3200	Income
	3300	Expenditures/expending authority
	*3400	Accounts
	3500	Noninstructional operations
	*3510	Operation and maintenance of plant
	3530	Insurance management
	3541	Transportation
	*3542	Food service
	*3452.1	Local Wellness
	*3570	District records and reports
	*7110	Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

RECRUITMENT, SELECTION AND HIRING

The Salem City Board of Education guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The board believes that the quality of the professional staff in large part determines the quality of the education offered district students. Therefore, the superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district students. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

Provisional teaching candidates shall be given equal consideration with all other candidates for teaching positions. The superintendent shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

In accordance with the Every Student Succeeds Act, all teachers hired by the board for programs in the district supported with Title I, part A funds shall meet the State certification and licensure requirements. All teachers of core academic subjects (English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history and government) hired by the board shall possess the appropriate certification including having a bachelor's degree from an accredited institution of higher learning and:

- A. Complete an undergraduate major in the appropriate subject area;
- B. Hold a graduate degree in the subject area; or
- C. Complete at least 30 credits in a coherent sequence of courses appropriate to the subject area.

The superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

It shall be the duty of the superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the successful completion of a criminal history check, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

The superintendent shall take steps to verify the academic credentials of any potential candidate for employment, and ensure any degrees cited, academic coursework or credits completed, or titles claimed by an individual have been granted by an accredited institution of higher education. For superintendent candidates, the board shall take similar steps. Documents shall not be accepted from non-accredited institutions or any fraudulent source. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a non-accredited institution, the board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary.

RECRUITMENT, SELECTION AND HIRING (continued)

The superintendent shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The superintendent shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The superintendent in determining the candidates to be nominated shall seek information whenever possible from the candidate's prior employers.

The board shall affirm employment and initial placement on the salary guide by a recorded roll call majority vote of the full membership of the board.

The board shall appoint all staff members only from nominations made by the superintendent. Should a nominee be rejected, it shall be the duty of the superintendent to make other nominations.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service;
- E. An employee may request an exemption made to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee

RECRUITMENT, SELECTION AND HIRING (continued)

shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Employment History - Definitions

For the purpose of this policy:

- A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; 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 (see also board policy 5141.4 Missing, Abused and Neglected Children);
- B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a 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.

Required Disclosure of Employment History

The board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

- A. A list, including name, address, telephone number and other relevant contact information of the applicant's:
 - 1. Current employer;
 - 2. All former employers within the last 20 years that were schools; and
 - 3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;
- B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;
- C. A written statement as to whether the applicant:
 - 1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
 - 2. 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;
 - 3. 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.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

RECRUITMENT, SELECTION AND HIRING (continued)

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if 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.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall 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 the district to report suspected child abuse or sexual misconduct to the appropriate authorities;
- C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

RECRUITMENT, SELECTION AND HIRING (continued)

- A. The applicant has complied and provided the information requested;
- B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and
- C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

Information received about an applicant's employment history shall not be a public record.

Adopted: February 8, 1976, November 17, 1988, June 12, 2002, June 6, 2007,
June 11, 2014, July 11, 2018, November 14, 2017
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

<u>Legal References:</u>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>See particularly:</u>	
	<u>N.J.S.A. 10:5-3</u>	
	<u>N.J.S.A. 18A:3-15. 1 et seq.</u>	Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
	<u>N.J.S.A. 18A:6-5</u>	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A. 18A:6-6</u>	No sex discrimination
	<u>N.J.S.A. 18A:6-7.1, -7.5</u>	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A. 18A:6-7.6 through N.J.S.A. 18A:6-7.13</u>	Employees; qualifications; discrimination, prohibitions
	<u>N.J.S.A. 18A:6-76.1</u>	Deadline for notification to students of requirements of provisional certificate and induction program
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:13-40</u>	General powers and duties of board of newly created regional districts
	<u>N.J.S.A. 18A:16-1</u>	Officers and employees in general
	<u>N.J.S.A. 18A:26-1, -1.1, -2</u>	Citizenship of teachers, exceptions
	<u>N.J.S.A. 18A:27-1 et seq.</u>	Employment and Contracts
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:27-4.1</u>	
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 26:8A-1 et seq.</u>	<u>Domestic Partnership Act</u>
	<u>N.J.S.A. 52:14-7</u>	Residency Requirements
	<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for Equality and Equity in Education

RECRUITMENT, SELECTION AND HIRING (continued)See particularly:

<u>N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.8</u>	
<u>N.J.A.C. 6A:9B-5.7</u>	Citizenship requirement
<u>N.J.A.C. 6A:9B-5.8</u>	Endorsement requirements
<u>N.J.A.C. 6A:9B-6.1 et seq.</u>	College courses and certification
<u>N.J.A.C. 6A:9B-8.1 et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C. 6A:9B-10.1 et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C. 6A:9B-11.1 et seq.</u>	Additional requirements or exceptions to requirements for instructional certification with special endorsements
<u>N.J.A.C. 6A:9B-12.1 et seq.</u>	Requirements for administrative certification
<u>N.J.A.C. 6A:10-1.1 et seq.</u>	Educator effectiveness
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-4.1</u>	Employment of teaching staff
<u>N.J.A.C. 6A:32-5.1</u>	Standards for determining seniority

P.L. 2018, c.5 – regarding requirements for employment history review for child abuse and sexual misconduct.

P.L. 2018, c.9 – regarding unlawful employment practices with respect to discrimination in compensation or in the financial terms and conditions of employment

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4/4212.4	Employee health
	4112.5/4212.5	Criminal history check
	*4112.6/4212.6	Personnel records
	*4112.8/4212.8	Nepotism
	*4121	Substitute teachers
	*4222	Noninstructional aides
	*5120	Assessment of individual needs
	*6010	Goals and objectives

*Indicates policy is included in the Critical Policy Reference Manual.

NONDISCRIMINATION/AFFIRMATIVE ACTION

The Salem City Board of Education guarantees to all persons equal access to all categories of employment, assignment to a position, transfer, and promotion in this district. The board shall not assign, transfer, promote, or retain staff, or fail to assign, transfer, promote, or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, disability, nationality, atypical hereditary cellular or blood trait of any individual, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

An affirmative action/equity program shall be a part of every aspect of employment not limited to but including upgrading; demotion or transfer; recruitment or recruitment advertising; renewal or non-renewal; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

The board-designated affirmative action officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

Affirmative Action Officer and Team

The board designated affirmative action officer shall:

- A. In collaboration with the affirmative action team coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all employees of district grievance procedures for handling discrimination complaints; and
- C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed (see board policy 2224 Nondiscrimination/Affirmative Action).

Harassment and Favoritism

The board of education is an affirmative action employer and holds all its employees responsible for maintaining a working environment that is free from all discriminatory practices. Harassment or favoritism on any basis included in the board's statement of equal access to employment, retention and advancement is prohibited.

Administrators and supervisors shall be familiarized with the actions that constitute harassment and favoritism. This material shall be included in the legally mandated affirmative action inservice training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, appropriate disciplinary action will follow. All such determinations shall be reported to the board.

Sexual Harassment

The board of education shall maintain a working environment that is free from sexual harassment. Administrators and supervisors will make it clear to all staff that sexual harassment is prohibited. No supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation,

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

compensation, assignment or advancement. No supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment or education;
- B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the schools. Harassment by board members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or building principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the superintendent or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or students may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Pregnancy

The board prohibits discrimination against pregnant women and those who suffer medical conditions related to pregnancy and childbirth. The superintendent or his or her designee shall ensure that reasonable accommodations are made that will allow them to maintain a healthy pregnancy or recovery from childbirth, without being removed from their positions, placed on unpaid leave, or fired.

The district shall provide reasonable accommodations to pregnant women and those who suffer medical conditions related to pregnancy and childbirth, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work.

Requested accommodations that cause the district an undue hardship are not required by law and shall not be provided.

Lactation Provisions

Employees hired or returning to work following a pregnancy leave who choose to continue providing their milk

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

for their infants shall receive the accommodations required by law that support their choice to breast feed. Accommodations shall include but shall not be limited to:

A. Milk expression breaks for breastfeeding

The employees shall be allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.

B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the employee(s) to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in employee's personal cooler.

C. Staff Support

The principal shall notify pregnant and breastfeeding employees about the district's worksite lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

(See the district procedure at 4111.1/4211.1 Breastfeeding, Regulation.)

Employment and Contract Practices

The board shall ensure all persons, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, have equal and bias-free access to all categories of employment and equal pay for equal work among members of the school district's staff.

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

The board directs the superintendent to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and students (see board policy 3327 Relations with Vendors);

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

Whistleblower Protection

The board prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law or is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the board including any violation involving deception of, or misrepresentation; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

The board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act."

Appeals

Grievances related to equity in employment practices shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in employment practices.

Report on Implementation

The superintendent shall devise regulations, including grievance forms and procedures to implement this policy. He/she shall be responsible for informing staff annually of the identity and location of the affirmative action officer and the implementing procedures.

Adopted:	February 9, 1988, October 10, 1988, June 11, 2014, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Affirmative Action, Nondiscrimination, Employee Nondiscrimination/Affirmative Action, Domestic Partnership Act

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
See particularly:
N.J.S.A. 10:5-3, -3.1, -4.1,
-12, -27
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
<u>N.J.S.A.</u> 18A:26-1	Citizenship of teachers, etc.
<u>N.J.S.A.</u> 18A:26-1.1	Residence requirements prohibited
<u>N.J.S.A.</u> 18A:29-2	Equality of compensation for male and female teachers
<u>N.J.S.A.</u> 18A:36-20	Discrimination Prohibition
<u>N.J.S.A.</u> 26:4B-4	Right to breastfeed in public
<u>N.J.S.A.</u> 26:4C-1	Lactation rooms
through -3	
<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	Domestic Partnership Act
<u>N.J.S.A.</u> 34:19-1 <u>et seq.</u>	Conscientious Employee Protection Act
<u>See particularly:</u>	
<u>N.J.S.A.</u> 34:19-3	
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:7-1.4, -1.5, -1.6, -1.8	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Executive Order 11246 as amended

P.L.1997, c.101 (C.26:4B-4). Right to Breastfeed in Public

P.L.2019, c.242. Requirements regarding the provision of lactation rooms for nursing mothers.

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Vinson v. Superior Court of Alameda County, 740 P.2d 404 (Cal. Sup. Ct. 1987)

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible**Cross References:**

*2224	Nondiscrimination/affirmative action
*3320	Purchasing procedures
*4111	Recruitment, selection and hiring
*4112.8/4212.8	Nepotism
*4147/4247	Employee safety
*4211	Recruitment, selection and hiring

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

SUPPORT FOR BREASTFEEDING MOTHERS

The following procedures shall be implemented in each school when an employee requests accommodations to support their choice to breastfeed.

School Responsibilities

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

A. Milk expression breaks for breastfeeding

The employees shall be allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.

B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the employee(s) to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in employee's personal cooler.

C. Staff Support

The principal shall notify pregnant and breastfeeding employees about the district's worksite lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

D. Signage

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

Employee Responsibilities

A. Communication with Supervisors

Any employee who wishes to express milk during the work period shall keep the principal and/or their immediate supervisor informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the school.

SUPPORT FOR BREASTFEEDING EMPLOYEES (regulation continued)

B. Breastfeeding Equipment

The employee is responsible for the purchase, maintenance and storage of breastfeeding equipment. The district is not responsible for any lost, broken or stolen private property.

C. Maintenance of Milk Expression Areas

Breastfeeding employees are responsible for keeping designated milk expression area clean and using antibacterial wipes to sanitize small areas. Employees shall be required to report any large spills to the maintenance department. Employees are also responsible for keeping the general designated lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

D. Milk Storage

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk using the school refrigerator or personal storage coolers.

E. Use of Break Times to Express Milk

When more than one breastfeeding employee needs to use the designated lactation room, employees can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.

NJSBA Review/Update:	March 2022
Adopted:	April 8, 2020
Readopted:	November 9, 2022

DOMESTIC VIOLENCE

The Salem City Board of Education is committed to ensuring that all staff are supported in the event that they experience domestic violence as defined by law (N.J.S.A. 2C:25-19). Victims of domestic violence can suffer devastating physical, emotional and psychological effects and economic disruption. The board encourages employees who are victims of domestic violence to contact the title or employee responsible for orienting, training, counseling, and appraising staff. Employees disclosing their experiences with domestic violence shall be supported in the work environment to an extent that is feasible and practical for the employee to maintain and perform their job and for the effective operation of the educational program.

The board adopts as its own the following State of New Jersey Domestic Violence Policy for Public Employers.

Definitions

“Domestic violence” means acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

An “abuser/perpetrator” is an individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

The “human resources officer” or “HRO” is an employee of district with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. The HRO is designated by the superintendent with board approval and is the primary or secondary contact to assist employees in reporting domestic violence incidents.

“Intimate partners” are partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

A “temporary restraining order” or “TRO” is a civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

A “victim” is a person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person,

DOMESTIC VIOLENCE (continued)

regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

“Workplace-related incidents” are incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

Designated Human Resources Officer

The superintendent shall designate, and the board approve, a human resource officer (HRO) to assist employees who are victims of domestic violence.

The designated HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy. Should the HRO be unavailable at any time, the superintendent shall designate a secondary HRO, who shall also be appropriately trained to respond and assist domestic violence victims pursuant to this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors shall maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence. The name and contact information of the designated HRO must be provided to all employees.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

Reporting Domestic Violence

Any disclosure of domestic violence by an employee shall be taken seriously and according to the following guidelines:

- A. Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;
- B. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO. When the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, the employee shall so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. The HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Responsibilities of the Human Resource Officer (HRO)

DOMESTIC VIOLENCE (continued)

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance;
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement;
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services;
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced below;
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or Title IX Officer, as appropriate;
- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team;
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy (see section titled *Confidentiality* below);
- H. Upon the employee's consent, the employee may provide the HRO with copies of any temporary restraining orders (TROs), final restraining orders (FROs), and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs must be kept in a separate confidential personnel file.

Confidentiality

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law.

The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

DOMESTIC VIOLENCE (continued)

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

Confidentiality of Employee Records

To ensure confidentiality and accuracy of information, the HRO is required to keep all documents and reports of domestic violence in a confidential personnel file separate from the employee's other personnel records (see board policy 4112.6 Personnel Records). These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act (N.J.S.A. 47:1A-10).

The New Jersey Security and Financial Empowerment Act

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

- A. Seeking medical attention;
- B. Obtaining services from a victim services organization;
- C. Obtaining psychological or other counseling;
- D. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- E. Seeking legal assistance or remedies to ensure health and safety of the victim; or
- F. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

Domestic Violence Action Plan

The board directs the superintendent to develop an action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to law (N.J.S.A. 11A:2-6a), and in accordance with the following guidelines:

DOMESTIC VIOLENCE (continued)

- A. Designate an HRO with responsibilities detailed in this policy;
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities;
- C. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer;
- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TDI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence;
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence;
- F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT, and advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.

Implementation

Members of the board, district administrators, the designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

In addition to this policy, the board, school administration and the HRO shall follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General directives and guidelines that impose a duty to report. To the extent that the rules set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

Adopted:	January 9, 2019
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Domestic Violence, Abuse, Leave

<u>Legal References:</u>	N.J.S.A. 11A:2-6a	Civil Service, domestic violence policies
	N.J.S.A. 34:11B-1 et seq.	New Jersey Family Leave Act

DOMESTIC VIOLENCE (continued)

<u>N.J.S.A. 34:11C-1 et seq.</u>	New Jersey Security and Financial Empowerment Act
<u>N.J.S.A. 2C:25-19</u>	Definition of Domestic Violence and Victim of Domestic Violence
<u>N.J.S.A. 34:19-1 et seq.</u>	Conscientious Employee Protection Act
<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for Equality and Equity in Education -
See particularly:	
<u>N.J.A.C. 6A:7-1.8</u>	Equality in Employment and Contract Practices
<u>N.J.A.C. 6A:16-11.1</u>	District policies and procedures; reporting potentially missing or abused children
29 <u>U.S.C. 2601 et seq.</u>	Family and Medical Leave Act
29 <u>C.F.R. 825.200 et seq.</u>	
P.L. 2008, c. 17, Family Temporary Disability Leave	

The Civil Service Commission's New Jersey Domestic Violence Policy is located at:
https://www.state.nj.us/csc/authorities/domestic_violence.html

Resources:

NJSBA Legally Speaking Article <https://www.njsba.org/news-publications/school-leader/may-june-2018-vol-48-no-6/legally-speaking-domestic-violence-victims-are-focus-of-new-law/>

Local Finance Notice <https://www.nj.gov/dca/divisions/dlgs/lfnf/18/2018-17.pdf>

Fox Rothchild LLP, The New Jersey Security and Financial Empowerment Act, Eileen Oakes Muskett, 2013.
<https://www.foxrothschild.com/publications/the-new-jersey-security-and-financial-empowerment-act/>

https://uhr.rutgers.edu/sites/default/files/userfiles/New%20Jersey%20SAFE%20Act%20Poster_10-1-13.pdf

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4112.8	Nepotism
	*4147	Employee safety
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

EMPLOYMENT CONTRACTS

In accordance with law and for the mutual protection of the district and the employee, every noncertified staff member and certificated staff member who has not achieved tenure shall be required annually to sign an employment contract if offered employment. Additionally, every nontenured employee and/or noncertified staff member shall annually sign an employment contract for a term of not more than one year. The contract shall be executed by the president of the Salem City Board of Education on behalf of the board and shall contain a termination clause including a 60 days' notice provision.

Each employment contract shall include:

- A. The specific title of the position to which the teaching staff member is appointed;
- B. The term for which employment is contracted, including beginning and ending dates;
- C. The kind and grade of certificate held by the employee and the date upon which the certificate will expire, if any;
- D. The salary at which the person is employed;
- E. The intervals at which salary shall be paid;
- F. A provision for termination of contract on notice duly given by its parties of 60 days (or less if employment is temporary);
- G. Such other matters as may be necessary to a full and complete understanding of the contract.

All employee contracts, and letters of invitation to those under tenure, shall be submitted for approval at a regular board of education meeting in accordance with law and are to be issued immediately after that meeting. The superintendent shall determine a return date for all contracts and letters.

Should an employee be offered, in error a contract for a salary which differs from that approved by the board, the salary approved by the board shall be the salary paid. If the salary approved by the board is in error, then the board at the next meeting after the error is discovered shall approve the corrected salary. The board will pay any amount owed and/or will seek to recover any overpayments,

The superintendent shall annually issue a contract to all personnel indicating the name of the employee, the terms of their employment and their contractual salary for the coming year. All contracts shall be signed by the employee, board secretary/business administrator and the board president.

All terms and conditions of the contract shall conform with requirements of state law and the State Board of Education

Adopted:	November 17, 1988, June 12, 2002, June 6, 2007, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Employment Contract, Certificate, Contract

Possible

EMPLOYMENT CONTRACTS (continued)

<u>Cross References:</u>	*3100	Budget planning, preparation and adoption
	*3326	Payment for goods and services
	*3570	District records and reports
	*3571.4	Audit
	*4111/4211	Recruitment, hiring and selection
	*4111.1/4211.1	Nondiscrimination, affirmative action

*Indicates policy is included in the Critical Policy Reference Manual.

CERTIFICATION

The certification of teachers and other personnel in the public schools of New Jersey is a protective measure for the children, the community, and the staff members themselves. No teaching staff member shall be appointed, except by a recorded roll call majority vote of the full membership of the board of education. All personnel hired shall have proper certification as required by the State Board of Education. The superintendent will take appropriate steps to avoid the employment of teachers with revoked or suspended certificates. Where the superintendent receives formal notice from a state entity that an employee's certificate, as required by the employee's employment title is no longer valid, the employee's employment shall cease, notwithstanding the fact that the term of employment may not have expired. No teaching staff member shall be entitled to any salary unless he is the holder of an appropriate certificate. No teaching staff member, contracted by private agencies that provide educational services by means of public funds, shall provide educational services to district students unless he or she is the holder of a valid certificate.

Validity of certification must be verified with the county office.

The superintendent must receive valid evidence of proper and effective certification or qualifications to pursue the alternative route to certification before presenting a candidate to the board.

The superintendent shall ensure that each applicant hired to teach in the school district shall have passed a satisfactory examination in physiology and hygiene; and substance abuse issues which includes material on the physiological, psychological, sociological and legal aspects of drug and alcohol abuse, methods of educating students on the negative effects of substance abuse, and intervention strategies for dealing with students engaged in substance abuse.

Reporting of Arrests, Charges and Indictments

All certificated staff members who are charged, arrested or indicted for a crime or offense must submit a report of the arrest or indictment to the superintendent within fourteen days. This reporting requirement pertains to both in-state and out-of-state offenses and crimes and shall include the date of the arrest or indictment and the charges lodged. The certificated staff member shall also report the disposition of any charge within seven days of its disposition.

Failure to comply with these reporting requirements may be deemed "just cause" to revoke or suspend the certificate(s) of any certificate holder pursuant to N.J.A.C. 6A:9B-4.3.

The superintendent will make these requirements known to all new employees and to all employees on an annual basis.

District Reporting Requirements

Pursuant to N.J.A.C. 6A:9B-4.3, the superintendent shall notify the New Jersey Board of Examiners when:

- A. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
- B. Nontenured teaching staff members who are accused of criminal offenses or unbecoming conduct, resign, retire or are removed from their positions;
- C. A certificate holder fails to maintain any license, certificate or authorization that is mandated in order for the holder to serve in a position;

CERTIFICATION (continued)

- D. He or she becomes aware that a certificate holder has been convicted of a crime while in the district's employ; or
- E. The superintendent has received a report from the Division of Child Protection and Permanency (DCP&P) substantiating allegations of abuse or neglect or establishing "concerns" regarding a certificated teaching staff member.

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

Mentoring Novice Provisional Teachers

In order to enhance student achievement of the New Jersey Student Learning Standards the district shall develop a mentoring program for nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS). The mentoring program shall provide an induction to the teaching profession and to the school district community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.

For the purposes of this policy:

"Novice teacher" means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate.

"Provisional teacher" means a holder of a provisional two-year certificate issued to candidates who have met requirements for initial employment as part of a State-approved school district training program or residency leading to standard certification.

"Novice provisional teacher" means a certificate holder (CEAS or CE) who is also a novice teacher who has not completed one year of full-time teaching.

The goal of the district mentoring program shall be to enhance teacher knowledge of and strategies related to:

- A. Facilitating student growth and achievement in the New Jersey Student Learning Standards;
- B. Identifying exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and
- C. Assisting first-year teachers in performing their duties and adjusting to the challenges of teaching.

First Teaching Year's Supports

- A. During a nontenured teacher's first year of employment, the district shall provide an induction program that shall include introduction to and training on:
 - 1. Board policies and procedures;
 - 2. The school district curricula;
 - 3. Board policies and procedures on student assessment; and
 - 4. The district's evaluation rubric, including assessing student learning through student growth objectives.

CERTIFICATION (continued)

B. The district shall provide individualized supports and activities aligned with the Professional Standards for Teachers (N.J.A.C. 6A:9-3.3), the standards for professional learning (N.J.A.C. 6A:9C-3.3), and the school district's Commissioner-approved teaching practice instrument. The individualized supports and activities shall be guided by the following:

1. The nontenured teacher's degree of preparation;
2. The nontenured teacher's individual professional development plan (see board policy 4131/4131.1 Staff Development). The professional development plan shall be developed within 30 instructional days of the beginning of the teaching assignment;
3. Areas of focus within the district mentoring plan;
4. The goals of the school and district plans for professional development; and

C. One-to-one mentoring for novice provisional teachers that includes:

1. The assignment of an individual mentor at the beginning of the contracted teaching assignment;
2. Observation and feedback from the mentor, confidential guidance and support, and the opportunity for the novice provisional teacher to observe effective teaching practices;
3. In-person contact time between the mentor teacher and the novice provisional teacher;
4. Meetings with the mentor at least once per week for the first four weeks of the teaching assignment.

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

Mentor Selection

The superintendent 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.

District Mentoring Plan

The superintendent or designee shall develop a district mentoring plan as part of the school district's professional development plan (PDP). The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities:

- A. The superintendent shall submit the district mentoring plan to the board for review of its fiscal impact;
- B. The superintendent or designee shall share the district mentoring plan with each school improvement panel, which shall oversee the school-level implementation of the district mentoring plan and shall communicate the plan to all nontenured teachers and their mentors;
- C. The superintendent or designee shall review the plan annually and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student

CERTIFICATION (continued)

performance.

Special Education

All personnel serving students with disabilities shall be appropriately certified and licensed, where a license is required. Each member of the child study team shall perform only those functions that are within the scope of their professional license (where applicable) and certification issued by the New Jersey Department of Education. Where related services are provided by non-certified personnel because there is no certification required, such services shall be provided under the supervision of certified district board of education personnel.

Adult High School

The superintendent shall ensure that the adult high, if any, school has an adequate number of professional staff, properly certified for their respective assignments; and shall ensure that persons involved in adult advisement shall be certified as either a principal, supervisor, counselor, or teacher.

Adopted: February 9, 1998, June 12, 2002, June 6, 2007, February 13, 2013,
October 9, 2013, December 12, 2013, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Certificates, Certification

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-38	Powers and duties of the board; issuance and revocation of certificate; rules and regulations
	<u>N.J.S.A.</u> 18A:6-39	Issuance of certificates to non-citizens
	<u>N.J.S.A.</u> 18A:6-76.1	Deadlines for notification to students of requirements of provisional certificate and induction program; submission of induction program plan to school districts and Department of Education; coordination of mentor training program
	<u>N.J.S.A.</u> 18A:6-127	Researched-based mentoring program
	<u>N.J.S.A.</u> 18A:26-1, -2, -8.1, -9	Citizenship of teachers, etc.
	<u>N.J.S.A.</u> 18A:26-2.1 <u>et al.</u>	Supervisory certificate required for appointment as director of athletics
	<u>N.J.S.A.</u> 18A:27-1	Appointment of teaching staff members
	<u>N.J.S.A.</u> 18A:27-2	Employment without certificate prohibited
	<u>N.J.S.A.</u> 18A:29-1	Uncertified teacher denied salary
	<u>N.J.S.A.</u> 18A:40A-4	Preservice training of future teachers; teaching certificate requirements
	<u>N.J.A.C.</u> 6A:9-1.1 <u>et seq.</u>	Professional Standards
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9-3.3	Professional Standards for Teachers
	<u>N.J.A.C.</u> 6A:9A-5.5	Completion of CE educator preparation program
	<u>N.J.A.C.</u> 6A:9B-1.1 <u>et seq.</u>	Certificate Holders
	<u>N.J.A.C.</u> 6A:9B-4.3	School district and candidate reporting responsibility
	<u>N.J.A.C.</u> 6A:9B-5.1	Certificate required
	<u>N.J.A.C.</u> 6A:9B-5.2	Types of certificates or credentials
	<u>N.J.A.C.</u> 6A:9B-5.4	Certification responsibilities of the district board of education

CERTIFICATION (continued)

<u>N.J.A.C.</u> 6A:9B-5.6	Fees
<u>N.J.A.C.</u> 6A:9B-5.9	Examination in physiology, hygiene, and substance abuse issues requirement
<u>N.J.A.C.</u> 6A:9C-5.1 <u>et seq.</u>	District mentoring program
<u>N.J.A.C.</u> 6A:20-2.8	Staffing for adult education
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1(d)	Employment of teaching staff

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Possible

<u>Cross References:</u>	*2131	Superintendent
	4010	Goals and objectives
	*4111	Recruitment, selection and hiring
	6130	Organizational plan
	*6141	Curriculum design/development
	*6142.1	Family life education
	*6156	Instructional planning/scheduling
	*6163.1	Media center/library
	*6164.2	Guidance services
	*6171.4	Special education
	*6200	Adult/community education

*Indicates policy is included in the Critical Policy Reference Manual.

EMPLOYEE HEALTH

Examinations

When a candidate has been given a conditional offer of employment, he/she shall be required to submit to a medical evaluation and a physical examination. This physical examination may include testing for controlled dangerous substances as they are defined in the criminal code. Elements of the examination of newly employed staff shall include but not be limited to those physical exam elements listed in administrative code.

Employees may be required to undergo an annual physical examination.

The results of all required employee medical examinations shall be made known to the superintendent on a confidential basis, discussed with the employee, and made a part of his/her confidential medical record. Records and reports of examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

In the event an employee of the board has been determined to have a mental abnormality or communicable disease or exhibits symptoms of substance abuse and, if in the opinion of the district medical inspector such condition makes the employee unfit for continued employment, the Salem City Board of Education may remove the employee from further service as provided by law or grant leave as provided by law during the period of unfitness. An employee determined to be unfit must provide the board with satisfactory proof of recovery before reinstatement will be allowed.

In the event an employee of the board shows evidence of deviation from normal physical or mental health, the district may require additional individual psychiatric or physical examinations of the employee. When an additional psychiatric or physical examination is required:

- A. The board shall provide the employee with a written statement of reasons for the required additional examination. The district board of education shall provide the employee with a hearing, if requested;
- B. The determination of the board hearing if requested shall be appealable to the commissioner;
- C. The employee may, without reprisal, refuse to waive his or her right to protect the confidentiality of medical information;
- D. When an employee is requested to submit to any physical examination, if feasible, he/she shall be provided with:
 - 1. A written statement of reasons for the request;
 - 2. An opportunity for a Board hearing, if so requested (said hearing shall be in private and confidential unless the employee requests otherwise);
 - 3. Adequate prior notice of the date of the hearing;
 - 4. Copies of statements or affidavits relied on by the Board prior to the hearing;
 - 5. An opportunity to be represented at the hearing by counsel or other persons of the employee's choice;
 - 6. An opportunity to present witnesses on his/her behalf.

At the discretion of the superintendent, the examination may take place prior to providing information or the scheduling or conducting of a hearing as circumstances warrant.

EMPLOYEE HEALTH (continued)

The report of the required psychiatric or physical examination shall include a statement by the examining physician as to any physical or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or a statement that no such condition exists.

In order to protect the students and staff in the district schools, all regulations of the State Department of Education, the State Department of Health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases. Staff who have been identified as having a communicable disease shall not be permitted continued employment unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine, and reporting.

When required examinations are performed by a physician designated by the board, the board shall bear the expense. Should an employee prefer to see his/her own physician, with board approval, the employee shall bear the expense.

Occupational Containment of Bloodborne Pathogens

The board is committed to provide a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (ECP) shall be provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with federal regulations.

The ECP is a key document to assist the district in implementing and ensuring compliance with the OSHA bloodborne pathogens standard, thereby protecting employees. This ECP includes:

- A. Identification of tasks, procedures and job classifications where occupational exposure to blood occurs;
- B. Procedures for evaluating the circumstances surrounding an exposure incident; and
- C. The schedule and method for implementing the specific sections of the standard, including:
 - 1. Methods of compliance;
 - 2. Hepatitis B vaccination;
 - 3. Post-exposure evaluation and follow-up;
 - 4. Hazard communication requirements;
 - 5. Effective employee training;
 - 6. Recordkeeping.

The ECP shall be reviewed annually to ensure that it reflects use of the most current medical technology.

Implementation and Dissemination

The superintendent in consultation with the district medical inspector shall prepare regulations to implement this policy in compliance with law and code. All employees shall receive this policy and be made aware of all requirements for health examinations.

Adopted:	September 14, 1994, June 12, 2002, June 6, 2007, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Physical Examinations, Health Examinations, Employee Physicals, Nondiscrimination, Psychological Examinations, Bloodborne Pathogens

EMPLOYEE HEALTH (continued)

<u>Legal References:</u>	<u>N.J.S.A. 2C:35-1 et seq.</u>	<u>Comprehensive Drug Reform Act of 1987</u>
	<u>N.J.S.A. 18A:16-2</u>	Physical examinations; requirement
	<u>N.J.S.A. 18A:16-3</u>	Character of examinations
	<u>N.J.S.A. 18A:16-4</u>	Sick leave; dismissal
	<u>N.J.S.A. 18A:16-5</u>	Records of examinations
	<u>N.J.S.A. 18A:40-10</u>	Exclusion of teachers and students exposed to disease
	<u>N.J.S.A. 18A:66-39</u>	Disability retirement
	<u>N.J.S.A. 26:4-1</u>	"Communicable disease" defined
	<u>N.J.S.A. 26:4-6</u>	Prohibiting attendance of teachers or students
	<u>N.J.S.A. 26:4-15</u>	Reporting of communicable diseases by physicians
	<u>N.J.S.A. 26:5c-1 et seq.</u>	<u>AIDS Assistance Act</u>
	<u>N.J.A.C. 6A:16-2.1 et seq.</u>	Health services policy and procedure requirements
	<u>N.J.A.C. 6A:32-6.2</u>	School Employee Physical Examinations
	<u>N.J.A.C. 8:61-1.1 et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
	<u>N.J.A.C. 12:100-4.2</u>	Safety and Health Standards for Public Employees (Adoption by reference)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

Possible

<u>Cross References:</u>	*4111	Recruitment, selection and hiring
	*4112.6/4212.6	Personnel records
	4117.50	Standards for staff discipline
	4117.52	Dismissal/suspension
	*4119.23/4219.23	Employee substance abuse
	4150/4250	Leaves
	*4211	Recruitment, selection and hiring

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4112.6/4212.6

<u> X </u>	Monitored
<u> </u>	Mandated
<u> X </u>	Other Reasons

Policy

PERSONNEL RECORDS

Orderly administration of the school district and compliance with state and federal law require the compilation of information about all employees of the district. The Salem City Board of Education recognizes that there is a distinction between those personnel records that are clearly a matter of public concern, and those that must be considered privileged until such time as they are opened to the public by the commissioner of education or the courts.

The superintendent shall consult with the board attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The superintendent and the board attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

In accordance with federal law, the superintendent shall establish procedures to release information upon request regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their children.

The superintendent shall establish the necessary regulations for maintaining both public and confidential employee records.

Public Record

The public file shall consist of an alphabetic index of all those presently employed by the district in whatever capacity. The information in this file shall be limited to name, title, position, salary, payroll record, length of service, and, if applicable, date of separation and rehire. The superintendent shall devise procedures for making this file available to the public in accordance with the Open Public Records Act.

Personnel File

The confidential file, which shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. shall consist of an individual personnel folder for each current employee.

- A. The information in this file shall include all records mandated by state and federal law including:
1. Evaluation of performance;
 2. Written performance reports and supporting data for tenured staff, including but not limited to written observation reports and additional components of the summative evaluation rating or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed (N.J.A.C. 6A:10-2.4,g);
 3. Record of attendance;
 4. Original application filed by the employee;
 5. Original salary and increments;
 6. Date of tenure;
 7. Notations of commendation and disciplinary actions consistent with law.

PERSONNEL RECORDS (continued)

B. The personnel file is available for examination:

1. At any time, by the superintendent or the supervisory personnel he/she designates;
2. During regular business hours, by the employee or his/her personally authorized representative, in accordance with regulations;
3. During regular business hours, or at any meeting of the board or any committee thereof, by any member of the board when necessary to make an informed decision regarding any assigned board responsibility or duty.

Health Record

Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the chief medical inspector and the superintendent shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medical record that contains the health history may also be shared with the building principal and the school nurse with the consent of the employee.

Emergency Contact Information

Staff emergency contact cards for all employees shall be maintained by the superintendent and updated annually.

Adopted: June 6, 2007, November 14, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Records, Personnel Records, Employee Records

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-7 <u>N.J.S.A.</u> 18A:6-7a <u>N.J.S.A.</u> 18A:6-11 <u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:54-20 <u>N.J.S.A.</u> 47:1A <u>et seq.</u> <u>N.J.S.A.</u> 47:3-15 <u>et seq.</u> <u>N.J.A.C.</u> 6A:10-2.4 <u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u> <u>N.J.A.C.</u> 12:100-4.2	Oaths of persons employed in teaching capacities Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice General mandatory powers and duties Powers of board (county vocational schools) Examination and copies of public records (<u>Open Public Records Act</u>) Destruction of Public Records Law Evaluation procedures for all teaching staff School Employee Physical Examinations Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)
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29 CFR 1910.1030 - Bloodborne Pathogens Standard

Every Student Succeeds Act of 2015 , Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

PERSONNEL RECORDS (continued)

Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App. Div. 1973)

Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)

Nero v. Hyland, 76 N.J. 213 (1978), rev'd 146 N.J. Super. 46 (App. Div. 1977), 136 N.J. Super. 537 (Law Div. 1975)

Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., 1971 S.L.D. 197

White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd. 1977 S.L.D. 903

Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159

Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185

Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed St. Bd. 1974 S.L.D. 323

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

Lacey Township Board of Education v. Lacey Township Education Association, 130 N.J. 312 (1992)

Beatty v. Chester 1999 S.L.D. August 31

Ciambrone v. Bloomingdale 2000 S.L.D. May 7

Possible**Cross References:**

*3570	District records and reports
*4111	Recruitment, selection and hiring
*4112.4/4212.4	Employee health
*4115	Supervision
*4116	Evaluation
*4211	Recruitment, selection and hiring
*4215	Supervision
*4216	Evaluation
*5141.4	Child abuse and neglect

*Indicates policy is included in the Critical Policy Reference Manual.

NEPOTISM

In order to avoid the reality and the appearance of conflict of interest in its employment, and in accordance with N.J.A.C. 6A:23A-6.2, the Salem City Board of Education will not initially appoint a relative of a Board Member or of an Administrator, as defined by statute, to any employment position in this district, and directs that no person who is a relative of a Board Member or administrator shall be placed in nomination for any vacant position. Nor shall any person be considered for employment in any position in which he/she would come under the direct or indirect supervision of any relative.

Definitions

For the purpose of this policy the following definitions shall apply:

“Nepotism” shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a “conflicted relationship” with a board member or superintendent.

“Conflicted relationship” includes but is not limited to an immediate family member, a relative, and any other relationship that create a justifiable impression that the public trust may be violated.

“Conflicted board member/administrator” shall mean any board member or administrator with a conflict of interest, regardless of the source of conflict as identified in the definitions below.

“Relative” shall be defined as an individual’s spouse, civil union partner, domestic partner, or the parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, of the individual or of the individual’s spouse, civil union partner or domestic partner, whether the relative is related to the individual or the individual’s spouse, civil union partner or domestic partner, by blood, marriage or adoption.

“Immediate family” shall be defined as board member or school administrator, their spouse, civil union partner, domestic partner, child, parent or sibling residing in the same household, whether related by blood, marriage or adoption.

“Other” when describing relationships between individuals and board members or the superintendent includes but is not limited to in-law, cousin, cohabitating partner, and step daughter-in-law and any other personal or professional relationship that creates the justifiable impression that the public trust is being violated.

Employment and Supervision of a Relative

The superintendent shall not recommend to the board for initial hire any relative of a board member or of the superintendent, unless the person is subject to the exception below. Nor shall any person be considered for employment in any position in which he/she would come under the direct or indirect supervision of any relative. Where is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms shall be put in place.

No conflicted administrator shall supervise, or exercise authority over personnel matters in which the administrator has a conflict. No board member shall deliberate or vote on a matter involving the member’s conflicted relationship. Nor should the board member be present for any confidential discussion of employment matters in which they have a conflict. Neither should the board member receive confidential information pertaining to a matter in which they have a conflict.

NEPOTISM (continued)Exceptions Regarding Employment

Persons who are employees of the board on the date that this policy initially becomes effective or the date a relative becomes a board member or superintendent shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the board. The superintendent may recommend those employees for reemployment, transfer, promotion or removal.

A relative of a school board member or superintendent may be initially employed by the district provided that the district has obtained the approval from the executive county superintendent of schools. Such approval shall be granted only upon demonstration by the school district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position. Per diem substitutes and student employees may be excluded from the initial hiring aspects of this nepotism policy.

Participation in Employment Related Matters

Conflicted board members may not participate in employment matters concerning the superintendent, principal or any administrator or supervisor(s) in the chain of command between the employee and superintendent.

Prohibited activities for conflicted board members include hiring of the selection agency, criteria, job description, voting to advertise for applicants, search committee, vote to hire and any evaluation and contract discussion post-hire.

Conflicted board members may not be present in closed session when discussions regarding the administrators take place and should not be privy to executive session materials until such time as the minutes are made available to the general public.

Board Member/Superintendent Participation in Negotiations**A. In-District Bargaining Units**

When a board member or school administrator is in a conflicted relationship which prohibits participation in collective negotiations, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to, setting negotiation parameters, being a member of the negotiating team, receiving negotiations updates, voting on the proposed agreement and post-contract participation in grievances. Nor shall that board member or school administrator be present with the board in closed session when negotiation strategies are being discussed. A school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

Board members or the superintendent are similarly precluded from participation in negotiations with any bargaining unit whose members have supervisory authority over a family member or other conflicted connection.

B. Out-of-District Similar Statewide Bargaining Units

1. When a board member is a member of an out-of-district similar statewide union or when a board member or school administrator is in a conflicted relationship involving an immediate family member who is a member of an out-of-district similar statewide union with which the board is negotiating, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to:

NEPOTISM (continued)

- a. Developing negotiation parameters;
- b. Being a member of the negotiating team;
- c. Receiving confidential negotiations information updates;
- d. Voting on the contract; and
- e. Grievance participation.

A school administrator may, however provide technical information that is necessary to the collective bargaining process when no one else in the district can provide that information.

2. When a board member or school administrator is in a conflicted relationship involving a relative who is a member of an out-of-district similar statewide union with which the board is negotiating, there is no conflict unless the relative has a union leadership position in the state-wide union or local union that has the ability to affect negotiations. Union leadership positions in the state-wide union or local union that have the ability to affect negotiations include but are not limited to:

- a. Officer;
- b. Grievance chairperson;
- c. Building representative;
- d. Negotiation committee member.

A school official who has a conflicted relationship with any employee of the district or an employee in another out-of-district similar statewide union as of the effective date of this policy shall declare such relationship to the board immediately.

Doctrine of Necessity

When a quorum of the board has conflicted interests, the doctrine of necessity may be invoked in order to allow conflicted board members to participate in the negotiation process and vote. The doctrine of necessity may be invoked for the negotiation team or superintendent search committee only when the board of education has fewer non-conflicted board members than are required, pursuant to statute, to take action. The board shall only invoke the doctrine of necessity after consultation with the board attorney. When invoking the doctrine of necessity, the board shall state publically that it is invoking the doctrine of necessity with the reasons for doing so and the specific nature of the conflicts of interest. The board shall read the resolution invoking the doctrine of necessity at a regularly scheduled public meeting, post the notice of the resolution for 30 days and provide the School Ethics Commission with a copy of the resolution.

Implementation

The connections and relationships that create a conflict of interest for an individual board member's participation in board decisions are subject to changes that result from commissioner rulings or changes in law. Therefore, the board shall consult with the board attorney as necessary and appropriate for guidance and clarification related to the implementation of this policy.

Adopted:	December 10, 2007, September 10, 2008, October 14, 2015, Apr. 12, 2017, February 14, 2018, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Nepotism, Hiring Relatives, Relatives, Doctrine of Necessity

Legal References: N.J.S.A. 18A:11-1

General mandatory powers and duties

NEPOTISM (continued)

<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
<u>N.J.S.A.</u> 52:13D-13 and 21.2	State conflict of interest law
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appealable decisions
<u>N.J.A.C.</u> 6A:23A-1.2 <u>et seq.</u>	Fiscal accountability; definitions
<u>N.J.A.C.</u> 6A:23A-6.2 <u>et seq.</u>	Fiscal accountability; nepotism
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

In the Matter of the Election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595

Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County, 1975 S.L.D. 478

Scola v. Ringwood Bd. of Ed., 1978 S.L.D. 413

Salerno v. Old Bridge Board of Ed., 1984 S.L.D. (April 28)

Larsen v. Woodbridge Board of Ed., 1985 S.L.D. (March 18)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A03-98

School Ethics Commission, Advisory Opinion, A14-00

School Ethics Commission, Advisory Opinion, A03-13

School Ethics Commission, Advisory Opinion, A15-13

School Ethics Commission, Advisory Opinion, A22-13

School Ethics Commission, Advisory Opinion, A09-14

School Ethics Commission, Advisory Opinion, A10-14

NEPOTISM (continued)

School Ethics Commission, Advisory Opinion, A11-14

School Ethics Commission, Advisory Opinion, A43-14

School Ethics Commission, Advisory Opinion, A03-15

School Ethics Commission, Advisory Opinion, A05-15

N.J. Department of Education 05-13-09 Broadcast # 1 "Nepotism Policy Clarification"

Possible

<u>Cross References:</u>	*4111	Recruitment, selection and hiring
	*4119.21/4212.21	Conflict of interest
	*4211	Recruitment, selection and hiring
	*9270	Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4113/4213

Policy

<u> </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

ASSIGNMENT; TRANSFER

The superintendent shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the educational program.

Teaching, supervisory, administrative and support personnel are subject to assignment and transfer after recommendation of the superintendent and approval by the Salem City Board of Education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law. Disciplinary transfers are prohibited. Particular attention shall be paid to ensuring to the extent possible that there shall be equivalence of teachers and administrative staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated (see 2224, 4111 and 4111.1).

The Superintendent of Schools may use discretion to make temporary assignments of existing employees to cover long-term absences of other staff members. It is the policy of the board that these temporary assignments be in the best interest of the school district and its pupils.

The superintendent or his or her designee shall monitor district promotion, assignment and transfer practices to ensure nondiscrimination.

It is the policy of the board that twelve-month employees work a full school day on such days as school is in session less than full time due to a scheduled non-emergency activity (workshop, in-service, staff meeting, etc.). The superintendent may dismiss twelve-month employees after less than a full school day in any situation where the superintendent deems continued attendance to be of little or no value to the educational program being considered at that time.

Part-time teachers shall be scheduled by the superintendent. In the case of emergency school closings, part-time teachers may be scheduled to work on days other than those on which they would have been scheduled in order to attain no loss of instructional time due to school closing.

Any staff member appointed to an extra duty position is expected to serve unless excused as a result of extenuating circumstances. A refusal to serve or resignation from extra duty service without permission may constitute an act of insubordination and subject the employee to disciplinary procedures.

Adopted:	April 17, 1988, September 13, 1995, June 12, 2002, June 6, 2007, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Personnel Assignment, Personnel Transfer, Assignment and Transfer, Assignment, Transfer

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:25-1	Transfer of teaching staff members
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 18A:59-1	

ASSIGNMENT; TRANSFER (continued)

through -3 Apportionment and distribution of federal funds; exceptions
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act
See particularly:
N.J.S.A. 34:13A-23, -25, -27, -29
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

Ridgefield Park Education Association v. Ridgefield Park Board of Education, 78 N.J. 144 (1978)

The Comprehensive Equity Plan, New Jersey State Department of Education Division

Possible

Cross References: *2224 Nondiscrimination/affirmative action
*3220/3230 State funds; federal funds
*4111 Recruitment, selection and hiring
*4111.1/4211.1 Nondiscrimination/affirmative action
*4131/4131.1 Staff development; inservice education/visitations/conferences
*5145.4 Equal educational opportunity
*6121 Nondiscrimination/affirmative action
*6141 Curriculum design/development
*6145 Extracurricular activities
*6160 Instructional services and resources
*6171.3 At-risk and Title 1
*6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SUPERVISION

The Salem City Board of Education believes that the purpose of supervision is to improve teacher performance in the classroom so that all students have an opportunity to achieve the New Jersey Student Learning Standards.

Each teacher employed in this district as of the effective date specified in code shall be responsible for fulfilling requirements for continuing education and for making annual progress toward the goal of 20 hours annually of state-approved professional development. Each teacher's individual professional development plan (PDP) shall incorporate appropriate steps toward this goal and shall be designed to assist teachers in obtaining and maintaining the knowledge and skills essential to student achievement of the New Jersey Student Learning Standards. The professional development plan shall describe specific activities designed to provide guidance for that teacher in improving his/her performance. Such activities may include, but are not limited to, seminars, course work, day-long workshops, and classes on certain instructional approaches.

Although supervisors shall develop professional development plans in collaboration with teachers, the superintendent shall maintain final authority in determining their appropriate content. The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. Supervisory assistance and support in achieving the 20 clock hours of state-approved continuing education shall be offered in the context of the district's evaluation process (see policy 4116 Evaluation for Teaching Staff Members), negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

The superintendent shall develop procedures for supervision of the teaching and administrative staff in performance of their duties that shall not be limited to the observations required for evaluation. Such supervision may include, but need not be limited to, review of lesson plans and teacher-made examinations; regularly scheduled curriculum conferences; and brief, informal classroom observations. The supervisor shall note the teacher's satisfactory fulfillment or non-fulfillment of continuing education requirements identified in the professional development plan.

Adopted: August 10, 1989, June 6, 2007, November 13, 2013, March 13, 2019
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Continuing Education, Professional Development Plans, Personnel Supervision, Supervision

Legal References: N.J.S.A. 18A:4-15 General rule-making power
N.J.S.A. 18A:4-16 Incidental powers conferred
N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system...
N.J.S.A. 18A:6-117 et seq. Teacher Effectiveness and Accountability for the Children

See particularly:
N.J.S.A. 18A:6-128 Ongoing professional development; corrective action plan\

N.J.S.A. 18A:11-1 General mandatory powers and duties

SUPERVISION (continued)

<u>N.J.S.A.</u> 18A:27-3.1 through -3.3	Non-tenured teaching staff; observation and evaluation; conference; purpose ...
<u>N.J.S.A.</u> 18A:28-5	Tenure of teaching staff members
<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
<u>N.J.A.C.</u> 6A:9-3	Standards for Professional Learning
<u>N.J.A.C.</u> 6A:9C-3.1 <u>et seq.</u>	Professional development for teachers and school leaders
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:9C-3.9 (c-d)	
<u>N.J.A.C.</u> 6A:9C-4.4	Requirements for and implementation of teachers' individual professional development plans
<u>N.J.A.C.</u> 6A:10-1.1 <u>et seq.</u>	Educator effectiveness
<u>N.J.A.C.</u> 6A:10-4.1 <u>et seq.</u>	Components of teacher evaluation

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	4010	Goals and objectives
	*4112.6/4212.6	Personnel records
	*4116	Evaluation
	*4117.41	Nonrenewal
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4215	Supervision
	*4216	Evaluation
	*6143.1	Lesson plans
	*6200	Adult/community education

*Indicates policy is included in the Critical Policy Reference Manual.

EVALUATION OF TEACHING STAFF MEMBERS

The Salem City Board of Education believes that the effective evaluation of teaching staff is essential to the achievement of the educational goals of this district, including student achievement of the New Jersey Student Learning Standards. The purpose of this evaluation shall be to promote professional excellence and improve the skills of teaching staff members; improve student learning and growth; and provide a basis for the review of staff performance.

The board is committed to establishing educator evaluation rubrics for the evaluation of teaching staff members' effectiveness to further the development of a professional corps of State educators and to increase student achievement. The district evaluation system shall facilitate:

- A. Continual improvement of instruction;
- B. Meaningful differentiation of educator performance using four performance levels;
- C. Use of multiple valid measures in determining educator performance levels, including objective measures of student performance and measures of professional practice;
- D. Evaluation of educators on a regular basis;
- E. Delivery of clear, timely and useful feedback, including feedback that identifies areas for growth and guides professional development; and
- F. District personnel decisions.

Definitions

For the purpose of this board policy the following definitions shall apply:

"Corrective action plan" means a written plan developed by a teaching staff member serving in a supervisory capacity in collaboration with the teaching staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff member "and the school district for implementing the plan, and specific support that the district shall provide.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

"Teaching staff member" means a member of the professional staff holding office, position, or employment of such character that the qualifications for such office require him or her to hold a valid, effective, and appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners. Teaching staff members include the positions of school nurse and school athletic trainer. There are three different types of certificates that teaching staff members work under:

- A. An instructional certificate (holders of this certificate are referred to in this chapter as "teachers");

EVALUATION (continued)

- B. Administrative certificate; and
- C. Educational services certificate (N.J.A.C. 6A:9B-14.1 et seq.).

This definition of teaching staff member includes certified staff positions that have instructional responsibilities as well as certified staff positions that have no instructional responsibilities. Some examples of teaching staff member positions without instructional responsibilities include supervisor, director, school nurse, athletic trainer, principal, vice-principal, student assistance counselor, school psychologist, and guidance counselor.

It is important to note that there are different requirements in this policy and in the law for the training, observation and observation conferences of classroom teachers with instructional responsibilities and those certified staff members who have no instructional responsibilities. This also includes differences in the educational rubrics adopted by the board and approved by the commissioner. The requirements of this policy and law for other aspects of teacher evaluation apply to staff with and without instructional responsibilities (teaching staff members) including reports, personnel records, professional development plans and corrective action plans.

"Teacher" is defined as a "teaching staff member" who holds the appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners and who is assigned a class roster of students for a particular course.

Board Responsibilities

The board shall:

- A. Ensure that evaluation rubrics are submitted to the commissioner by June 1 for approval by August 1. The board shall annually adopt evaluation rubrics for all teaching staff members that have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubric that has been approved by the Commissioner of Education shall not be subject to collective negotiations. No collective bargaining agreement or other contract entered adopted after July 1, 2013, shall conflict with the district's educator evaluation system;
- B. Annually adopt policies and procedures developed by the superintendent on the evaluation of all teaching staff members;
- C. Annually adopt, by June 1, Commissioner-approved educator practice instruments and notify the New Jersey Department of Education which instruments will be used as part of the school district's evaluation rubrics;
- D. Ensure the principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31 and shall carry out the duties and functions described below and in N.J.A.C. 6A:10-3.2;
- E. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data;
- F. Ensure that the superintendent or his or her designee certifies to the New Jersey Department of Education that any observer who conducts an observation of a teaching staff member for the purpose of evaluation meets the statutory observation requirements as described below and in accordance with N.J.S.A. 18A:6-119, N.J.S.A. 18A:6-123.b(8), and N.J.S.A. 18A:27-3.1. Additionally, the superintendent or his or her designee shall certify that a teacher member of the School Improvement Panel conducting observations for the purposes of evaluation has the agreement of the majority representative, has the appropriate

EVALUATION (continued)

supervisory certification and has the approval of the principal who supervises the teacher being observed. A teacher member of the School Improvement Panel who participates in the evaluation process shall not serve concurrently as a mentor; and

- G. Ensure that the superintendent annually notifies all teaching staff members of the adopted policies and procedures by October 1. The board shall also notify each teaching staff members at the beginning upon commencement of employment.
- H. Prior to the 2018-19 school year, the board shall establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the board's evaluation policies and procedures. Beginning with the 2018-19 school year, the District Evaluation Advisory Committee shall no longer be required.

Responsibilities of the Superintendent

The board shall ensure through the superintendent or his or her designee(s) that the following requirements are met:

- A. The superintendent shall direct the development of and oversee the development, revision, and implementation of district evaluation policies and procedures requiring the annual evaluation of all teaching staff members. The superintendent may consult with the District Advisory Evaluation Committee or representatives from School Improvement Panels. The superintendent shall ensure:
 - 1. The assignment of roles and responsibilities for implementation of evaluation policies and procedures;
 - 2. The development of job descriptions and evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10-1.1 et seq.;
 - 3. The application of methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, principals, assistant principals, and vice principals for calculating the median and schoolwide student growth percentile;
 - 4. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
 - 5. Process for developing and scoring student growth objectives;
 - 6. The process for preparation of individual professional development plans (see board policy 4131/4131.1 Staff Development); and
 - 7. The process for the preparation of an annual written performance report by the teaching staff member's designated supervisor and an annual summary conference between the teaching staff member and his or her designated supervisor.
- B. The superintendent shall notify all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption;
- C. The principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31;
- D. Data elements shall be collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation; and
- E. The superintendent or his or her designee in the district shall certify to the New Jersey Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, 18A:6-123.b(8), and 18A:27-3.1) and shall further certify

EVALUATION (continued)

that the teacher member of the School Improvement Panel meets the requirements detailed below and according to law (N.J.A.C. 6A:10-3.2); and

- F. The superintendent shall develop policies and procedures that ensure student performance data on the Statewide assessment, is, upon receipt, promptly disseminated to teaching staff members who were primarily responsible for instructing applicable students in the year the assessment was administered, as well as to teachers who will be primarily responsible to instructing applicable students in the upcoming school year.

Training for Teaching Staff Members and Supervisors

The board of education shall ensure, through the superintendent that the following training procedures are observed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:

A. Teaching Staff Members

Annual training shall be provided on and descriptions provided of each component of the evaluation rubric for all teaching staff members who are being evaluated. More thorough training shall be provided for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components, including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;

B. Supervisors of Classroom Teachers

"Supervisor" means an appropriately certified teaching staff member, employed in the school district in a supervisory role and capacity, and possessing a school administrator, principal, or supervisor, endorsement as defined in N.J.A.C. 6A:9B-12.1 et seq.:

1. Annually provide updates and refresher training for supervisors who are conducting evaluations in the district and more thorough training for any supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member;
2. Each supervisor who will conduct observations for the purpose of evaluation of a teacher shall complete two co-observations annually, during the academic year:
 - a. Co-observers shall use co-observation to promote accuracy and consistency in scoring;
 - b. A co-observation may count as one required observation for the purpose of evaluation as long as the observer meets the requirements of law and this policy (see Teacher Observation and Observation Conferences below). The co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor.

The superintendent shall annually certify to the Department of Education that all supervisors of teaching staff members in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

School Improvement Panel

The principal of each school shall establish a School Improvement Panel. The panel shall include the principal, a vice-principal, and a teacher who is chosen by the principal in consultation with the majority representative. If an assistant principal or vice principal is not available to serve on the panel, the principal shall appoint an additional member who is employed in the district in a supervisory role and capacity. The principal may appoint

EVALUATION (continued)

additional members to the panel as long as all members meet the following criteria and teachers on the panel represent at least one-third of its total membership.

The building principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:

- A. The teacher member shall be a person with a demonstrated record of success in the classroom and who has demonstrated a record of success with an evaluation rating of effective or highly effective in the most recent available annual summative rating;
- B. The majority representative may submit to the principal teacher member nominees for consideration;
- C. The principal shall have final decision making authority and is not bound by the majority representative's list of nominees.

The teacher member shall serve a full academic year, except in case of illness or authorized leave, but may not be appointed more than three consecutive years. All members of the School Improvement Panel shall be chosen by August 31 of each year.

Duties of the School Improvement Panel

The School Improvement Panel shall (N.J.A.C. 6A:10-3.2):

- A. Oversee the mentoring of teachers according to board policy 4112.2 Certification district mentoring plan;
- B. Conduct evaluations of teachers according to board policy and law (N.J.A.C. 6A:10-2.4 and 4.4);
- C. Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5(j) and conduct the mid-year evaluations for teachers who are on a corrective action plan; and
- D. Identify professional development opportunities for all teaching staff members based on the review of aggregate school-level data, including, but not limited to, educator evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-4.2 (see board policy 4131/4131.1 Staff Development);
- E. To conduct observations for the purpose of evaluation, the teacher member shall have:
 - a. Agreement of the majority representative;
 - b. An appropriate supervisory certificate; and
 - c. Approval of the principal who supervises the teacher being observed.
- F. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor (N.J.A.C. 6A:9C-5.2(a) 3).

Components of Teacher Evaluation

The components of teacher evaluation shall include the following:

- A. Evaluation rubrics for all teaching staff members shall be adopted by the board annually. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards as stated in board policy and law (N.J.S.A. 18A:6-123). Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

EVALUATION (continued)

- B. Board adopted practice instruments for teaching staff members;
- C. Observations for the purposes of evaluation and post observation conferences by the supervisor;
- D. A professional development plan (PDP);
- E. An annual summary conference between designated supervisors and teaching staff members shall be held before the written performance report is filed. The conference shall be held on or before June 30 of each year and include:
 - 1. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including, when applicable, the educator's practice instrument and available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
 - 2. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
 - 3. The preliminary annual written performance report.

If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

- F. An annual performance report shall be prepared by the designated supervisor. The annual written performance report shall include, but not be limited to:
 - 1. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component;
 - 2. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric;
 - 3. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

The teaching staff member and the designated supervisor shall sign the report within five working days of the review.

The board shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part the teaching staff member's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Teacher Evaluation Rubric

The evaluation rubrics for all classroom teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:

- A. Measures of student achievement:
 - 1. Median student growth percentile for teachers who:
 - a. Teach at least one course or group within a course that falls within a standardized-tested grade or

EVALUATION (continued)

- subject;
 - b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
 - c. Have at least 20 individual student growth percentile scores attributed to his or her name during the academic year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given academic year, the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation.
2. Student growth objectives which are academic goals that teachers and designated supervisors set for groups of students. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1;
- B. Measures of the teacher practice component rating which shall be based on the measurement of the teacher's performance according to the district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement;
- C. Teacher observation.

Teacher Practice Instrument

The teacher practice instrument shall be approved by the Department of Education and shall:

- A. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers (N.J.A.C. 6A:9-3);
- B. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:
 - 1. Clearly define the expectations for each rating category;
 - 2. Provide a conversion to the four rating categories: highly effective, effective, partially effective, and ineffective;
 - 3. Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
 - 4. Use clear and precise language that facilitates common understanding among teachers and administrators;
- C. Rely, to the extent possible, on specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and
- D. Include descriptions of specific training and implementation details required for the instrument to be effective.

Observation: Tenured and Nontenured Classroom Teachers

For all teachers, 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 superintendent shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

EVALUATION (continued)

- A. Each observation required for the purpose of evaluation shall be conducted for at least 20 minutes;
- B. Nontenured teachers shall be observed at least three times each school year but not less than once each semester. Evaluations shall take place before April 30 each year. The evaluations may cover that period between April 30 of one year and April 30 of the succeeding year. In the case of the first year of employment all three evaluations must be completed prior to April 30. The number of required observations and evaluations may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year. Each evaluation shall be followed by a conference between that teaching staff member and his or her superior or superiors. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for their correction and improve professional competence:
 - 1. To earn a teacher practice score, a nontenured teacher shall receive at least three observations;
 - 2. If a nontenured teacher is present for less than 40 percent of the total student school days in a school year, he or she shall receive at least two observations to earn a teacher practice score;
- C. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year;
- D. If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with this section;
- E. Teachers on a corrective action plan shall receive one additional observation, including a post-observation conference.
- F. Upon receiving a final summative evaluation that necessitates a corrective action plan any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized;
- G. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed;
- H. The teacher shall submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report. The district may consider and address the objections in the teacher's corrective action plan.

Observation Conferences for Teachers

The following procedures shall apply to teacher observation conferences:

- A. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than 15 teaching staff member working days following each observation;
- B. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness;

EVALUATION (continued)

- C. If agreed to by the teacher, one required post-observation conference and any pre-conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic;
- D. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required 15 teaching staff member working days following the observation for the purpose of evaluation; and
- E. A pre-conference, when required, shall occur at least one but not more than seven teaching staff member working days prior to the observation.

Annual Written Performance Report for Teachers

The annual written performance report shall be prepared by the designated supervisor. In the case of a teacher, the annual written performance report shall be prepared by the teacher's principal, or his or her designee, and shall include, but not be limited to:

- A. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4.2 including the median student growth percentile, student growth objectives, the teacher practice component, and teacher observation. The four summative performance ratings are:
 - 1. Highly effective;
 - 2. Effective;
 - 3. Partially effective;
 - 4. Ineffective.
- B. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric; and
- C. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

The teaching staff member and the designated supervisor shall sign the report within five working days of the review.

Annual Summary Conference for Teachers

The annual summary conference between designated supervisors and teaching staff members shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each year and include, but not be limited to, a review of the following:

- A. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including the educator's practice instrument and available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
- B. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
- C. The preliminary annual written performance report.

EVALUATION (continued)

If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

Teaching Staff Members other than Teachers, Principals, Vice Principals and Assistant Principals

Some examples of teaching staff member positions without instructional responsibilities may include supervisor, director, school nurse, athletic trainer, student assistance counselor, school psychologist, and guidance counselor.

The components of the teacher evaluation rubric shall apply to teaching staff members other than a teacher, principals, vice principals and assistant principals and the district shall determine the components of the board adopted rubric that apply to staff without instructional responsibilities.

Observations include, but are not limited to: observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:

- A. Be at least 20 minutes in length;
- B. Be followed within 15 teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;
- C. Be followed by both parties to the conference signing the written or electronic evaluation report and each retaining a copy for his or her records; and
- D. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report. The district may consider and address the objections in the teacher's corrective action plan.

All tenured teaching staff members shall receive at least one observation per school year. All nontenured teaching staff members shall receive at least three observations.

Personnel Records of Teaching Staff Members

The board shall include all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying according to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and board policy 4112.6/4212.6 Personnel Records.

Teacher Professional Development Plans

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-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.

The content of each 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. The individual PDP shall be effective for one year and shall specify, at a minimum:

EVALUATION (continued)

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in board policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4). Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.

Each teacher's individual PDP shall be updated annually no later than October 31. If the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements of 20 hours of professional development annually. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.

The board of education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDPs.

Corrective Action Plans for Teaching Staff Members

When a teaching staff member is rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the superintendent or the teaching staff member's supervisor.

A corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor when the teaching staff member is rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics. If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.

The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation. However, if the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within 25 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

The content of the corrective action plan shall replace the content of the individual professional development plan until the next annual summary conference.

The content of the corrective action plan shall:

- A. Address areas in need of improvement identified in the educator evaluation rubric;
- B. Include specific, demonstrable goals for improvement;
- C. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
- D. Include timelines for meeting the goal(s).

EVALUATION (continued)

The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each post-observation conference. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.

Progress toward the teaching staff member's goals outlined in the corrective action plan shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals.

Progress toward the teaching staff member's goals outlined in the corrective action plan may be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

Responsibilities of the evaluated employee on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's supervisor.

Mid-Year Evaluation of the Corrective Action Plan

The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.

The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required as part of the teaching staff member evaluation process.

Tenured teachers with a corrective action plan shall be observed by multiple observers.

Implementation

This policy and related procedures shall be reviewed at least yearly, and any necessary revisions made before readoption by the board.

The board shall ensure that the superintendent notifies each teaching staff member of the board adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, the teaching staff member shall be notified of the evaluation policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption.

Adopted:	August 10, 1989, June 6, 2007, November 13, 2013, March 13, 2019
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Evaluation, Teacher Evaluation, Personnel Evaluation, Evaluation Advisory Committee, School Improvement

EVALUATION (continued)

Panel; Evaluation Rubric

<u>Legal References:</u>	
<u>N.J.S.A.</u> 18A:11-1	General rule-making power
<u>N.J.S.A.</u> 18A:6-10 <u>et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system
<u>N.J.S.A.</u> 18A:6-117 <u>et seq.</u>	Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) ACT
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:6-119	Definitions relative to the TEACHNJ Act
<u>N.J.S.A.</u> 18A:6-120	School improvement panel
<u>N.J.S.A.</u> 18A:6-121	Evaluation of principal, assistant principal, vice-principal
<u>N.J.S.A.</u> 18A:6-122	Annual submission of evaluation rubrics
<u>N.J.S.A.</u> 18A:6-123	Review, approval of evaluation rubrics
<u>N.J.S.A.</u> 18A:6-128	Ongoing professional development; corrective action plan
<u>N.J.S.A.</u> 18A:27-3.1 through -3.3	Evaluation of nontenured teaching staff
<u>N.J.S.A.</u> 18A:27-10 <u>et seq.</u>	Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
<u>N.J.S.A.</u> 18A:28-5	Requirements for tenure
<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
<u>N.J.A.C.</u> 6A:9B-12.1	Purpose of requirements of administrative certification
<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u>	Required professional development for teachers and school leaders
<u>N.J.A.C.</u> 6A:10-1.1 <u>et seq.</u>	Educator effectiveness
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:10-1.2	Definitions
<u>N.J.A.C.</u> 6A:10-1.4	Educator evaluation data, information and written reports
<u>N.J.A.C.</u> 6A:10-2.2	Duties of the district board of education
<u>N.J.A.C.</u> 6A:10-2.3	District evaluation advisory committee
<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff members
<u>N.J.A.C.</u> 6A:10-3.1	School improvement panel
<u>N.J.A.C.</u> 6A:10-4.1	Components of Teacher evaluation
<u>N.J.A.C.</u> 6A:10-4.2	Student achievement components
<u>N.J.A.C.</u> 6A:10-4.3	Teacher practice components
<u>N.J.A.C.</u> 6A:10-4.4	Teacher observations
<u>N.J.A.C.</u> 6A:10-6.1	Evaluation of teaching staff members other than teachers, principals, vice principals and assistant principals
<u>N.J.A.C.</u> 6A:32-4.1(e) (f)	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-5.1 <u>et seq.</u>	Standards for determining seniority
<u>Lacey Township Bd. of Ed. v. Lacey Township Education Association</u> , 130 N.J. 312 (1992), aff'g 259 N.J. Super. 397 (App. Div. 1991)	

Possible

<u>Cross References:</u>	
*2130	Principal evaluation
*2131	Superintendent
4000	Concepts and roles in personnel
4010	Goals and objectives
*4112.6	Personnel records
*4115	Supervision
*4117.41	Nonrenewal
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4215	Supervision
*4216	Evaluation

EVALUATION (continued)

- *6143.1 Lesson plans
- *6200 Adult/community education

*Indicates policy is included in the Critical Policy Reference Manual.

EVALUATION OF TEACHING STAFF MEMBERS

GENERAL STATEMENT

The Salem City board of education directs the superintendent to oversee the implementation of the evaluation process for all teaching staff members. The board recognizes that the procedures for the implementation of the evaluation process shall in part depend on the specific procedural instructions accompanying the board adopted evaluation rubrics and practice instruments. Therefore, the board directs the superintendents to dedicate the supervisory staff necessary to conduct the evaluation process according to such instruction within the time frames detailed in law and board policy.

The Salem City School District has adopted the “Danielson” model and instruments for teacher evaluation.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none"> • General policy and procedure oversight within the district • Recommend for board adoption the evaluation rubrics and practice instruments • Ensure teaching staff members and principals, vice principals and assistant principal receive training on the evaluation process • Determine the number of required student growth objectives for teachers • Report district evaluation data to the board
Building principal	<ul style="list-style-type: none"> • General oversight of policy and procedures in the school • Appoint the school improvement panel • Serve on the school improvement panel
Principal, vice principal, assistant principal, designated supervisor	<ul style="list-style-type: none"> • Receive training in observation, evaluation rubrics, practice instruments • In consultation with the evaluated teaching staff members develop student growth objectives • Conduct evaluations including observations and post observation conferences • Ensure all parts of the evaluation process are conducted by the appropriate deadlines • Annual summary conference • Annual performance report
School advisory panel	<ul style="list-style-type: none"> • Oversee the mentoring program • Conduct evaluations • Ensure corrective action plans are created (where appropriate) and conduct mid-year evaluations • Identify professional development opportunities • Conduct observations
Board of education	<ul style="list-style-type: none"> • Approve evaluation rubric and practice instruments • Establish the district evaluation advisory committee • Evaluate evaluation data • Annually readopt teacher evaluation policies and

TEACHER EVALUATION (regulation continued)

	procedures
Teaching staff members (including teachers, noninstructional certified staff)	<ul style="list-style-type: none"> • Receive training on evaluation rubrics, practice instrument • In consultation with the principal, designated supervisor, develop student growth objectives

PROCEDURES

- A. The superintendent, and as appropriate in consultation with the district advisory committee and/or the school improvement panel(s), shall oversee the implementation all aspects of the district process for the evaluation of teaching staff members as detailed in board policy;
- B. The superintendent shall notify all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment.
- C. The superintendent or his or her designee shall notify all teaching staff members of amendments to the policy within 10 working days of adoption;
- D. The superintendent shall recommend annually to the board for adoption teacher and principal evaluation rubrics that meet the following minimum standards (N.J.S.A. 18A:6-123):
1. Four defined annual ratings: ineffective, partially effective, effective, and highly effective;
 2. The evaluation rubric must be partially based on multiple objective measures of student learning that assess student growth from one year's measure to the next year's measure;
 3. The district may determine the methods for measuring student growth, in grades in which a state test is not required;
 4. Multiple measures of practice and student learning are used in conjunction with professional standards of practice using a comprehensive evaluation process in rating effectiveness with specific measures and implementation processes;
 5. Standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher;
 6. The rubric is based on the professional standards for that employee;
 7. The performance measures used in the rubric are linked to student achievement;
 8. The employee receives multiple observations during the school year which shall be used in evaluating the employee;
 9. At each observation of a teacher, either the principal, his or her designee who is employed by the district in a supervisory role and capacity, and who possesses a school administrator certificate, principal certificate, or supervisor certificate, the vice-principal, or the assistant principal shall be present;
 10. The staff member who will be observing shall receive training on the use of the teaching practice instrument. This training shall be completed before the observer conducts his or her first observation for the purpose of evaluation;
 11. An opportunity for the employee to improve his effectiveness from evaluation feedback;
 12. Guidelines regarding training and the demonstration of competence on the evaluation system to support its implementation;
 13. A process for ongoing monitoring and calibration of the observers to ensure that the observation protocols are being implemented correctly and consistently;
 14. A performance framework, associated evaluation tools, and observation protocols, including training and observer calibration resources;
 15. A process for a school district to obtain the approval of the commissioner to utilize other evaluation tools; and
 16. A process for ensuring that the results of the evaluation help to inform instructional development.
- E. The superintendent shall ensure that all teaching staff members including teachers, noninstructional certified staff, principals, vice principals, assistant principals and supervisors receive the required training detailed in board policy 4116 Evaluation of Teaching Staff Members;
- F. The superintendent or his or her designee shall certify to the Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements

TEACHER EVALUATION (regulation continued)

(N.J.S.A. 18A:6-119, N.J.S.A. 18A:6-123.b(8), and N.J.S.A. 18A:27-3.1) and certify that the teacher member of the School Improvement Panel meets the requirements detailed in board policy 4116 Evaluation of Teaching Staff Members and according to law (N.J.A.C. 6A:10-3.2);

- G. The board shall annually adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 and described above. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

Measurements of the Teacher Evaluation Rubric

The measurements of the teacher evaluation rubric shall be used to calculate a summative rating for all teaching staff members. The summative rating is the overall evaluation score derived from the evaluation scores of the following measures:

A. Measures of student achievement:

1. Median student growth percentile for teachers who:
 - a. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;
 - b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
 - c. Have at least 20 individual student growth percentile scores attributed to his or her name during the academic year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given academic year, the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation.
2. Student growth objectives (SGO) for all teachers developed in consultation with their designated supervisor or the principal's designee.

- A. Measures of teacher practice component rating which shall be based on the measurement of the teacher's performance according to the district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement;

B. Teacher observation.

Student Growth Percentile

- A. Median student growth percentile shall be included in the annual summative rating for teachers who:

1. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;
2. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
3. Have at least 20 individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the school year of the evaluation.

- B. The New Jersey Department of Education shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:

1. The board shall submit to the Department final ratings for all components, other than the student

TEACHER EVALUATION (regulation continued)

- growth percentile, for the annual summative rating; and
2. The Department then shall report to the board the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.

Student Growth Objectives

Student growth objectives for teachers are academic goals that teachers and designated supervisors set for groups of students. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1. Student growth objectives shall be developed and measured according to the following procedures:

- A. The superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. The minimum and maximum number of required student growth objectives within this range shall be posted on the New Jersey Department of Education website by August 31, prior to the school year;
- B. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective;
- C. Each teacher shall develop, in consultation with his or her supervisor or a principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the principal shall make the final determination;
- D. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each academic year, or within 20 work days of the teacher's start date if the teacher begins work after October 1;
- E. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15. If the SGO covers only the second semester of the school year, or if a teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.
- F. The teacher's designated supervisor shall calculate each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.

Observation and Post Observation Conference

The observation and post observation conferences shall be conducted according the procedures detailed in board policy 4116 Evaluation of Teaching Staff Members.

Corrective Action

A corrective action plan shall be developed for any teaching staff member who is rated ineffective or partially ineffective by the evaluation rubrics. The corrective action plan shall be developed according to the procedures detailed in board policy 4116 Evaluation of Teaching Staff Members.

Staff Development

The observation and post observation conferences shall be conducted according the procedures detailed in board policy 4116 Evaluation of Teaching Staff Members and 4131/4141.1 Staff Development.

REGULATION HISTORY

TEACHER EVALUATION (regulation continued)

Review/Revision: March 2022
Effective Date: November 9, 2022

CROSS REFERENCES

2130	Principal Evaluation
2130	Principal Evaluation, Regulation
2131	Superintendent
4131/4131.1	Staff Development
4131/4131.1	Staff Development, Exhibit

Policy

RESIGNATION AND RETIREMENT

Any employee resigning or retiring from a position in the Salem City School District shall inform the superintendent in writing within the notification time frames established in the individual employment contract or the negotiated agreement as applicable.

A certified employee shall submit his resignation in writing to the superintendent at least 60 days prior to the effective date of resignation. This date shall be approved unless the board of education desires to accept the resignation sooner.

The resignation becomes effective upon its formal approval by the board of education and may be withdrawn by the employee at any time prior to board action.

If the employee fails to give the required notice, said lack of notice shall be deemed unprofessional conduct. The employee shall be paid only through the last day of service.

Any employee of the school district who terminates his employment of his own volition with exception of retirees or if released by the board will forfeit board granted benefits accrued during his employment. If an employee returns to the employ of the board of education after having had prior service, said employee will begin with the same benefits as any other new employee, except as covered by New Jersey State law, and/or the contracted agreement between the employee and the board of education.

The board may notify the Commissioner of Education when a certified staff member fails to give the required notice and the Commissioner may suspend his/her certificate for not more than one year. It is the responsibility of the school district to notify the Commissioner of Education of the failure to give the required notice.

Retirement

Recognition of retired employees will take place at the end of the school year.

Retirement shall be at the option of the employee in accordance with the applicable rules and regulations of the Teachers Pension and Annuity Fund or P.E.R.S. The Board will abide by state law in the matter of implementation of retirement agreements. In the event the Board has any jurisdiction concerning the implementation of any retirement agreement, the board will make its determination on a case-by-case basis.

At the discretion of the superintendent, employees retiring from the district may be requested to participate in an "exit interview," the purpose of which is to ascertain pertinent information from the employee that will be useful in recruitment and retention of employees.

Separation

In the event that a teacher resigns his/her position prior to the end of the school year for any reason, sick leave for that year will be prorated monthly, based on the yearly total as recorded in the master teacher association/board contract.

Personal business days will also be prorated based on the proportion of the school year which the teacher completes.

The board of education will continue to carry the teacher on the board designated insurance company rolls for the period designated by New Jersey State law.

If the teacher has prior approval in the teacher reimbursement program, all requirements of the course must be completed prior to the teacher's date of notification of resignation in order to receive full reimbursement. A course completed after the date of notification of resignation will negate all benefits.

Key Words

<u>Legal Reference:</u>	<u>N.J.S.A.</u> 18A:6-10 <u>et seq.</u>	Dismissal and Reduction in compensation (tenured staff)
	<u>N.J.S.A.</u> 18A:16-2	Physical examinations; drug testing; requirement
	<u>N.J.S.A.</u> 18A:16-4	Sick leave; dismissal
	<u>N.J.S.A.</u> 18A:17-2	Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
	<u>N.J.S.A.</u> 18A:17-3	Tenure of janitor employees
	<u>N.J.S.A.</u> 18A:27-1 <u>et seq.</u>	Employment and Contracts
	<u>N.J.S.A.</u> 18A:27-3.1	Non-tenured teaching staff; observation and evaluation; conference; purpose
	<u>N.J.S.A.</u> 18A:27-3.2	Teaching staff member; notice of termination; statement of reasons; request; written answer
	See particularly:	
	<u>N.J.S.A.</u> 18A:27-4.1	
	<u>N.J.S.A.</u> 18A:28-8	Notice of intention to resign required
	<u>N.J.S.A.</u> 18A:66-43	Retirement for service age limits

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4117.4/4217.4

Policy

☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

CREATING/ABOLISHING A POSITION/ REDUCTION IN FORCE/CREATING POSITIONS

Creating Positions

The Salem City Board of Education recognizes its authority to create and fill teaching staff member positions to implement a thorough and efficient system of free public education.

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

The superintendent shall recommend to the Board, such new positions or additions to existing employment categories as may be required by the specific instructional needs of pupils of the district and each school within the district.

Positions shall conform to certification regulations of the New Jersey State Board of Education. When district organization requires the creation of a nonconforming, unrecognized position, the approval of the County Superintendent of Schools shall be sought before the position is filled.

Abolishing Positions

The Salem City Board of Education has the right under state law to abolish unilaterally any existing position in whole or in part and to reduce the number of employees in any category for reasons of economy, reduction in the number of students, change in the administrative or supervisory organization, change in the educational program or other good cause.

The Board reserves the right to abolish positions and reduce district staff commensurately whenever reasons of economy, reorganization of the school district, reduction in the number of pupils, or other good cause so warrant. The Superintendent shall continually review the efficiency and effectiveness of the district organization and recommend to the Board the abolishment of positions and reallocation of duties and positions.

Reduction in Force

Should it become necessary to reduce the number of employees in the district, the laws and regulations of the state shall be the controlling guides. If, in the case of such reduction, candidates for termination are nontenured personnel only, the primary basis for selection for termination or reduction shall be the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

If, in the case of such reduction, candidates for termination or reduction in grade are tenured in this district, the state regulations regarding seniority shall be the primary basis for decision. In the event there be equal applicable seniority among staff members, the decision for reduction or termination shall be based on the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

In no case shall any choice be based on arbitrary, capricious or discriminatory reasons.

REDUCTION IN FORCE/ABOLISHING A POSITION

The superintendent shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result and shall present those recommendations to the board for action.

Adopted: June 12, 2002, June 6, 2007, November 14, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

RIF, Reduction in Force, Abolishing a Position, Creating a Position, Nontenured Teachers

Legal References: N.J.S.A. 18A:28-5 Tenure of teaching staff members
N.J.S.A. 18A:28-9 Reduction of force; power to reduce and reasons for reduction
N.J.S.A. 18A:28-10 Reasons for dismissals of persons under tenure on account of reduction
N.J.S.A. 18A:28-11 Seniority; board to determine; notice and advisory opinion
N.J.S.A. 18A:28-12 Dismissal of persons having tenure on reduction; reemployment
N.J.A.C. 6A:9B-5.5 Assignment of titles
N.J.A.C. 6A:32-5.1 Standards for determining seniority
Denney v. Passaic County Regional High School District Bd. of Ed., 131 N.J. 626 (1993)
Primka v. Edison, 93 NJAR 2d (EDU) 91 aff'd State Board 93 NJAR 2d (EDU) 94 aff'd App. Div. unpub. Op. Dkt. No. A-2427-92T3 Jan. 18, 1994
Impey v. Board of Education of Shrewsbury, 142 N.J. 388 (1995)
Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1542 (3d Cir. 1996)

Possible

Cross References: *2131 Superintendent
 *4116 Evaluation
 *4117.41 Nonrenewal

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4117.41

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

NONRENEWAL

The Salem City Board of Education shall renew the employment contract of a nontenured teaching staff member by a recorded roll call majority vote of the full board only upon the recommendation of the superintendent. A nontenured teaching staff member who is not recommended for renewal by the superintendent shall be deemed nonrenewed. Written notice of nonrenewal of employment will be sent to the employee by the board secretary. This notice will be given by the date specified by law.

A written request from a nontenured teaching staff member for a written statement of reasons for nonreemployment will be honored by the board of education according to New Jersey law and regulation.

An informal appearance before the board may be requested in writing within 10 calendar days and shall be scheduled within 30 days of receipt of the board's statement of reasons.

It is the board of education's prerogative to determine the date, starting time and length of an informal appearance, the purpose of which shall be to permit the staff member a final opportunity to convince the board of education to offer reemployment. Written notice of date and time will be provided to the staff member at least five working days prior to the informal appearance.

The nontenured teaching staff member may be represented by counsel or one individual of his/her choosing and may present witnesses on his/her behalf. Those witnesses are not subject to cross-examination by the board of education and will be excused from the hearing after making their statements.

Within three days following the informal appearance, the board of education or its designee will notify the teaching staff member, in writing, of the board's final decision.

Adopted: June 12, 2002, June 6, 2007, November 14, 2018

NJSBA Review/Update: March 2022

Readopted: November 9, 2022

Key Words

Nonrenewal, Nontenured Teachers

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:27-3.1	Non-tenured teaching staff; observation and evaluation; conference; purpose
	<u>N.J.S.A.</u> 18A:27-3.2	Teaching staff member; notice of termination; statement of reasons; request; written answer
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 18A:27-10 <u>et seq.</u>	Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
	<u>N.J.A.C.</u> 6A:10-9.1	Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of nonreemployment
	<u>N.J.A.C.</u> 6A:32-4.1 <u>et seq.</u>	Employment of teaching staff

NONRENEWAL (continued)

Donaldson v. North Wildwood Bd. of Ed., 65 N.J. 236 (1974)

Hicks v. Pemberton Township Board of Education, 1975 S.L.D. 332

Velasquez v. Brielle Board of Education, 97 N.J.A.R. 2d (EDU) (August 6), aff'g on different grounds Comm'r 96 N.J.A.R. 2d (EDU) (April 4)

Possible

Cross References: *4115 Supervision
*4116 Evaluation
*4117.4 Reduction in force/abolishing a position

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

DISCIPLINE

It shall be the policy of the Salem City Board of Education to apply the statutes of the state, the policies of this Board and the regulations of the administration with equal consideration to each staff member.

The Salem City Board of Education directs all teaching staff members to observe statutes of the State of New Jersey, rules of the State Board of Education, policies of this board, and administrative rules and regulations governing staff conduct. Violations of law and/or the district policies and regulations will be subject to discipline. Disciplinary action taken by the district shall not conflict with the terms of the negotiated agreement.

Disciplinary measures shall include progressive penalties including where appropriate verbal warnings, written warnings, non-renewal of non-tenured employees, suspension, withholding of an increment from tenured employees, dismissal of non-tenured employees and referral of charges against tenured employees. The superintendent shall ensure the nondiscriminatory application of disciplinary measures. In considering an appropriate discipline the superintendent shall make a reasonable effort to differentiate between first and multiple offenses. The superintendent shall ensure that the staff member being subjected to disciplinary measures is notified of the right to due process.

When disciplinary action is considered, the notice of due process given to the teaching or support staff member shall be in writing and shall include:

- A. Documentation of the specific acts and omissions upon which the disciplinary action is based;
- B. A date when the member may be heard and the administrator who will hear the matter; and
- C. The penalty that may be imposed.

Disciplinary rules shall be reviewed and approved by the board and shall include the proviso that the board reserves the right to deduct pay for required service not performed, including time lost through tardiness in accordance with its policies.

Dismissal

The board reserves the right to terminate a nontenured employee without prior notice when sufficient cause warrants.

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

The process for certification of tenure charges to dismiss a tenured employee will conform with state statutes.

Increment Withholding

Advancements on the salary guide are not automatically granted and must be earned by satisfactory performance. Advancement requires favorable evaluations of the employee's performance of assigned duties, a satisfactory attendance record and adherence to the rules of the district and high standards of professional conduct.

The board may determine, by recorded roll call majority vote of the full membership and at any time prior to the commencement of the school year or contract year in which the employee's salary will vest, to withhold any or all of the increments indicated by the salary guide or by board policy.

DISCIPLINE (continued)

Within ten (10) days of its formal action to withhold an increment, the board shall give written notice to the affected employee of both the action and the reason or reasons for which it was taken.
An increment withheld may be restored only by action of the board.

Adopted: June 12, 2002
 Revised: June 6, 2007, November 14, 2008
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Employee Conduct, Discipline, Penalty, Increment

Legal References: N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system
 N.J.S.A. 18A:11-1 General mandatory powers and duties
 N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.,
 N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: 4119.2 Responsibilities
 *4119.22/4219.11 Conduct and dress
 *4119.21/4219.21 Conflict of interest
 *4119.23/4219.23 Employee substance abuse
 4119.24 Staff/pupil relations
 *4138/4238 Nonschool employment
 *4138.2 Private tutoring
 *5131.1 Harassment, intimidation and bullying
 *6144 Controversial issues

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PROFESSIONAL RESPONSIBILITIES

The Salem City Board of Education directs the superintendent to establish and enforce rules for the assignment of specific duties to teaching staff members and for the conduct of teaching staff members during the workday.

The superintendent shall require teaching staff members to prepare lesson plans that implement the goals and objectives of the educational program (see board policy 6143.1 Lesson Plans).

The chief school administrator shall apply uniformly throughout the district, except as may otherwise be provided in this policy, the following additional rules for teaching staff member conduct.

The major duties of each professional employee are:

- A. To carry out duties and responsibilities set forth by New Jersey statutes, Title 18A, and the New Jersey Administrative Code (N.J.A.C. 6A).
- B. To abide by rules and regulations as established by the board of education;
- C. To carry out specific job responsibilities as established by the board of education;
- D. To uphold rules and regulations as established by the chief school administrator and other school administrators;
- E. To properly channel all negative criticism about the district or its employees;
- F. To adhere to prescribed curricula and courses of study;
- G. To adhere to the specific job description for the contracted position. It is the responsibility of the superintendent to prepare regulations to ensure the maintenance of the following standards:
 - 1. Each teacher must maintain a standard of care for supervision, control and protection of students commensurate with assigned duties and responsibilities;
 - 2. A teacher should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
 - 3. A teacher must provide proper instruction in the safety matters presented in assigned curriculum guides;
 - 4. Each teacher must immediately report to the administration an accident or safety hazard he/she detects;
 - 5. A teacher must not send students on any personal errands;
 - 6. A teacher must not transport students in a personal vehicle without the approval of the superintendent;
 - 7. A student shall not be required to perform work or services that may be detrimental to health;
 - 8. Pursuant to the laws of the state, each teacher must report to the superintendent immediately, any sign of suspected child abuse or drug abuse.

The board may appoint teaching staff members to extra duty positions including but not limited to department chairperson, account treasurer, extracurricular activity advisor, athletic coach, monitor and chaperone. While performing the extra duty assignment the teacher shall be working and subject to all board policies and regulations for the performance of their job performance.

PROFESSIONAL RESPONSIBILITIES (continued)

Readopted: November 9, 2022

Key Words

Duties, Responsibilities, Lesson Plans, Staff Meeting

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-2.1 <u>et seq.</u>	The New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

<u>Cross References:</u>	*4115	Supervision
	*4116	Evaluation
	*4119.21/4219.21	Conduct and dress
	*4121	Substitute teachers
	*6010	Goals and objectives
	*6142	Subject fields
	*6143	Curriculum guides
	*6143.1	Lesson plans

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4119.21/4219.21

Policy

☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

CONFLICT OF INTEREST

An employee of the Salem City Board of Education shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of his/her duties.

An employee of the board shall not use or attempt to use his/her position to secure unwarranted privileges or advantages for himself/herself or others.

An employee of the board shall not act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest such as selection or purchase of any textbook or other materials on which he/she receives a royalty.

An employee of the board shall not accept any benefit, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such benefit, service or other thing of value was given or offered for the purpose of influencing him/her in the discharge of his/her duties.

Bribery and corrupt practices by employees as described in the criminal justice code are forbidden and shall be prosecuted to the full extent of the law.

Political Activities of Staff

The Salem City Board of Education establishes the following guidelines to govern staff members in their political activities:

- A. A staff member shall not engage in campaign activities on school property;
- B. A staff member shall not post political circulars or petitions on school property nor distribute such circulars or petitions to pupils nor solicit campaign funds or campaign workers on school property;
- C. A staff member shall not display any material that would tend to promote any candidate for office on an election day in a school facility that is used as a polling place.

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

All employees are prohibited from engaging in any activity in the presence of students during performance of the employees' duties, which activity is intended or designed to promote, further or assert a position on any voting issue, board issue, or collective bargaining issue.

Disciplinary Action

Violations of this policy may result in disciplinary action.

Adopted: November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

CONFLICT OF INTEREST (continued)

Royalties, Conflict of Interest, Political Activity of Staff

<u>Legal References:</u>	<u>N.J.S.A. 2C:27-1 et seq.</u>	Bribery and Corrupt Influence
	<u>See particularly:</u>	
	<u>N.J.S.A. 2C:27-5, -10,-11</u>	
	<u>N.J.S.A. 18A:6-8</u>	Interest of school officers, etc., in sale of textbooks or supplies; royalties
	<u>N.J.S.A. 18A:6-8.4</u>	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-21 et seq.</u>	<u>School Ethics Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:12-24</u>	
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 19:34-15</u>	Electioneering within or about polling place; misdemeanor
	<u>N.J.A.C. 6A:4-1.1 et seq.</u>	Appeals
	<u>N.J.A.C. 6A:28-1.1 et seq.</u>	School Ethics Commission
	<u>Green Township Education Association v. Rowe, et al.</u> , 328 N.J. Super 525 (App. Div. 2000)	

Possible

<u>Cross References:</u>	*1140	Distribution of materials by students and staff
	1313	Gifts to district employees
	*4112.8/4212.8	Nepotism
	4117.50	Standards for staff discipline
	4118.2	Freedom of speech
	*4119.22/4219.22	Conduct and dress
	*4119.23/4219.23	Employee substance abuse
	*4138/4238	Nonschool employment
	*9270	Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

CONDUCT AND DRESS

The Salem City Board of Education expects staff conduct to be that of appropriate role models for students.

The board expects all staff members to be neatly groomed and dressed in clothing suitable for the subject of instruction, the work being performed, or the occasion.

The board retains the authority to specify the following dress and grooming guidelines for staff, within law, that will prevent such matters from having an adverse impact on the educational process. All staff members shall, when assigned to district duty:

- A. Be physically clean, neat and well groomed;
- B. Dress in a manner reflecting their assignments;
- C. Dress in a manner that does not cause damage to district property;
- D. Dress and be groomed in such a way so as not to cause a health or safety hazard.
- E. No sneakers or blue jeans shall be worn without the express permission of the building principal, designee or supervisor.
- F. No shorts shall be worn or skirts shorter than three inches above the knee, nor shall the chest be exposed below the base of the neck.

If a staff member feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request shall be made to the superintendent.

Unbecoming Conduct

When an employee, either within the schools or outside normal duties, creates conditions under which the proper operation of the schools is affected, the board upon recommendation of the superintendent and in accordance with statute shall determine whether such acts or lack of actions constitute conduct unbecoming a school employee, and if so, will proceed against the employee in accordance with law.

Unbecoming conduct sufficient to warrant board review may result from a single flagrant incident or from a series of incidents.

Adopted:	November 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Employee Conduct, Employee Dress

Legal References: N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system

CONDUCT AND DRESS (continued)

- N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher.
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Hicks v. Pemberton Bd. of Ed., 1975 S.L.D. 332

Quiroli v. Linwood Bd. of Ed., 1974 S.L.D. 1035

Carlstadt Teachers Ass'n v. Carlstadt Bd. of Ed., App. Div., unreported decision (docket no. A-1469-80-T4, decided March 26, 1982), 1982 S.L.D. 1448

Possible

<u>Cross References:</u>		
4117.50		Standards for staff discipline
4119.2		Responsibilities
*4119.21/4219.21		Conflict of interest
*4119.23/4219.23		Employee substance abuse
4119.24		Staff/student relations
*4138/4238		Nonschool employment
*4138.2		Private tutoring
*5131.1		Harassment, intimidation and bullying
*6144		Controversial issues

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4119.23

Policy

<u> </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

EMPLOYEE SUBSTANCE ABUSE

General - All Employees

The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action which may include but is not limited to nonrenewal, suspension, or termination at the discretion of the Salem City Board of Education.

The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance on or in school worksites is prohibited. Any violation may subject an employee to participation in a drug rehabilitation program and disciplinary action including but not limited to nonrenewal, suspension, or termination at the discretion of the board of education.

For the purposes of this policy "worksite" shall include any school building, or any school premises and any school-owned vehicles or any other school-approved vehicle used to transport students to and from school or school activities. Worksite also includes off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.

The board of education, as a result of criminal convictions of any criminal drug statute violation by an employee occurring outside of the worksite, may discipline said employee. Disciplinary action may include, but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

Illegal gambling is not permitted in or on the school worksite.

Smoking by employees in school buildings or on school grounds is prohibited. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco and other forms of smokeless tobacco are also specifically prohibited by this policy.

The superintendent shall establish a drug-free awareness program which includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this policy to all employees annually. New employees shall be provided with a copy of this policy prior to beginning work assignments.

The program shall:

- A. Alert employees as to the dangers of drug abuse in the workplace;
- B. Inform employees of the prohibitions against drugs set forth in this policy;
- C. Inform employees of available drug counseling, rehabilitation, and assistance programs; and
- D. Warn employees of the penalties that may be imposed for violations of prohibitions set forth in this policy.

The board will report to law enforcement officials and prosecute as appropriate any employee or visitor who violates the prohibitions of this policy. A pupil who violates this policy will be treated in accordance with law.

EMPLOYEE SUBSTANCE ABUSE (continued)Work Performance in Connection with a Federal Grant

In order for the school district to qualify for any direct federal grant, the district must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a result of federal grant moneys shall in addition to complying with requirements of the programs, also be in strict compliance with this policy.

The board of education and the superintendent shall notify all employees whose work performance is done in connection with a federal grant that they are to notify their respective supervisors of convictions of any criminal drug statute violation occurring in the workplace. Employees must notify their supervisors no later than five days after such conviction. To be in compliance, the district must notify the federal grant program of such conviction within 10 days of receipt of said conviction.

Adopted: November 14, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Smoking; Drinking; Drugs; Smoking Prohibition; Employee Smoking, Drinking, Use of Drugs on School Premises

<u>Legal References:</u>	<u>N.J.S.A. 2C:33-16</u>	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
	<u>N.J.S.A. 2C:35-1 et seq.</u>	<u>Comprehensive Drug Reform Act of 1987</u>
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:16-2</u>	Physical examinations; requirement
	<u>N.J.S.A. 18A:27-4</u>	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A. 18A:36-32</u>	Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 26:3D-55 et seq.</u>	<u>New Jersey Smoke-Free Air Act</u>
	<u>N.J.A.C. 6A:16-6.3</u>	Reporting students or staff members to law enforcement authorities
	<u>N.J.A.C. 6A:16-6.5</u>	Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
	<u>N.J.A.C. 6A:26-12.2(a)4</u>	Policies and procedures for school facility operation
	<u>New Jersey Constitution</u> , Art. IV, § VII, <u>par. 2</u>	
	<u>Anti-Drug Abuse Act of 1988</u>	
	<u>Drug-Free Workplace Act of 1988</u>	
	<u>A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials</u>	
	<u>Every Student Succeeds Act of 2015</u> , Pub. L. 114-95, 20 <u>U.S.C.A. 6301 et seq.</u>	

Possible

EMPLOYEE SUBSTANCE ABUSE (continued)

<u>Cross References:</u>	*1330	Use of school facilities
	*1410	Local units
	*3220/3230	State funds; federal funds
	*3515	Smoking prohibition
	*4112.4/4212.4	Employee health
	4117.50	Standards for staff discipline
	*4219.23	Employee substance abuse
	*5131.6	Drugs, alcohol, tobacco (substance abuse)

*Indicates policy is included in the Critical Policy Reference Manual.

ELECTRONIC COMMUNICATION BY SCHOOL STAFF

"Electronic communications," for the purpose of this policy, means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular phone, computer, computer network, personal data assistant, or pager. Electronic communications include, but are not limited to, e-mails, instant messages, and communications made by means of an Internet website, including social media and social networking websites. The superintendent/principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process.

The annual orientation and reminder will give special emphasis to improper fraternization with students using electronic communications:

- A. School employees may not list current students as "friends" on networking sites without written approval of the school principal;
- B. All electronic contacts with students should be through the district's computer and telephone systems;
- C. All electronic contacts by coaches and extracurricular advisors with team members and members of extracurricular activities shall, as a general rule, be sent to all team members and activity participants;
- D. School employees will not give out their private cell phone or home phone numbers to students without prior approval of the principal;
- E. Electronic communications that are inappropriate and therefore prohibited include but are not limited to:
 - 1. Items with sexual content;
 - 2. Items exhibiting or advocating use of drugs, alcohol or other illegal activities;
 - 3. Items that pertain to confidential student information;
 - 4. Any content that significantly affects the employee's ability to perform his/her job or disrupts the educational environment;
 - 5. Content that defames the school district, students, parents, employees, administrators or board of education,
 - 6. Any content that would violate district policies and procedures;
- F. Examples of inappropriate behavior from other districts shall be covered and discussed, including behavior to avoid and the need for staff to use common sense in avoiding inappropriate and unprofessional behavior;
- G. Staff shall have no expectation of privacy when using district technology, the district network and/or public social media venues;
- H. The administration shall monitor for improper staff electronic communications on district computers, other school issued technology, and the district computer network;
- I. Staff shall be informed of the consequences that may result from inappropriate electronic communications up to and including dismissal from employment.

The superintendent or designees may periodically conduct internet searches to see if staff members have posted inappropriate materials online. When inappropriate use of computers and internet websites is discovered, the school principals and superintendent will seek to preserve the problematic or offensive

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

material and will seek to maintain storage and chain of custody of the evidence. The superintendent/principal shall promptly bring that alleged misconduct to the attention of the board president.

Cell Phones

Staff members are not permitted to use personal cell phones, pagers, walkie-talkies or other portable electronic communications devices while performing their assigned duties (class time, duty periods) and during school related activities.

During school meetings, personal cell phones are to be turned off and not used.

At no time are personal cell phones permitted to be used while operating district owned, leased or contracted vehicles.

Personal cell phones may be used during planning periods, lunch periods and /or before and after the regular workday.

As a general rule, school staff shall not contact students' cell phones unless directed to do so by the parent/guardian or student. School district personnel shall limit cell phone interaction with students to contact that pertains to legitimate school business. Legitimate school business includes (but is not limited to):

- A. Answering academic inquiries regarding homework, other classroom work or assignments;
- B. Scheduling appointments for school related conferences and/or extra help;
- C. Clarifying classroom expectations and/or assignments;
- D. Notifications related to classroom, club or sports schedules, events, trips, assignments, and deadlines.

Cell phone contact with students shall be as brief and direct as possible. When brief contact is not sufficient and/or feasible to resolve the matter, where appropriate, teachers shall schedule face-to-face conferences during regular classroom and extra-help periods to confer with the student. No cell phone contact shall exceed three replies.

Text Messages

Any text messages by staff members, coaches and volunteers shall, as a general rule, be sent to the entire class, team, club or organization and not to any student individually. Exceptions may include situations involving confidential medical issues, emergencies or individual issues not involving the entire group. Staff shall not send messages containing material that:

- A. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
- B. Violates the district's affirmative action policies (2224, 4111.1, 4211.1, and 6121);
- C. Is personal in nature and not related to the business of the district;
- D. Can be interpreted as provocative, flirtatious or sexual in nature;
- E. Is confidential information and not authorized for distribution;
- F. Violates board policy 5131.1 Harassment, Intimidation and Bullying.

Electronic Communication

School district personnel shall adhere to the following guidelines when sending or receiving messages via district owned or issued devices and the district network:

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

- A. All messages shall pertain to legitimate school business only;
- B. Personnel shall not reveal district issued passwords to others. If a staff member believes that a password has been lost or stolen, or that email has been accessed by someone without authorization, he/she must contact the supervisor for technology or the principal;
- C. District administrators shall have access to the employee's password or passwords for all district owned or issued devices and the use of the district network;
- D. Electronic messages on school owned or issued electronic devices and the district network shall be retained for the period of time specified by the Destruction of Public Records Law and board policy 3570 Records (retained three (3) years for external correspondence and one (1) year for internal correspondence);
- E. Federal copyright laws shall be observed;
- F. Staff shall not send messages that contain material that:
 - 1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
 - 2. Violates the district's affirmative action policies (2224, 4111.1/4211.1, 6121);
 - 3. Is personal in nature and not related to the business of the district;
 - 4. Can be interpreted as provocative, flirtatious or sexual in nature;
 - 5. Is confidential and not authorized for distribution;
 - 6. Includes the name or photograph of a student or students;
 - 7. Invades the privacy of others;
 - 8. Intentionally disrupts the network;
 - 9. Is sent anonymously;
 - 10. Violates board policy 5131.1 Harassment, Intimidation and Bullying.
- G. Personnel shall become familiar with the district's policies and regulation on staff and student access to networked information resources and acceptable use of technology (6142.10 Internet Safety and Technology) before initiating email use;
- H. Installing any software or downloading programs from the Internet without the approval of the system administrators or the superintendent is strictly forbidden
- I. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or superintendent immediately.

Online Education

An online classroom is still a classroom. Though courses and/or assigned programs of home instruction may be online, appropriate classroom behavior is still mandatory. Respect for the participants is essential for learning and student achievement.

Staff communications with students during online education will be limited to legitimate school business as set forth under cell phones, text messages and electronic communication, above. Professional standards and etiquette shall be observed at all times.

Implementation

This policy shall be made available electronically or otherwise disseminated to all staff members, annually or as needed.

Adopted: June 12, 2002, June 6, 2007, January 4, 2017, November 14, 2018
 NJSBA Review/Update: July 2022

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

Readopted:

November 9, 2022

Key Words

Employee Conduct, Cell Phones, Text Messaging, E-Mail, Electronic Communication

<u>Legal References:</u>	<u>N.J.S.A. 2A:38A-1 et seq.</u>	Computer System
	<u>N.J.S.A. 18A:6-10</u>	Dismissal and reduction in compensation of persons under tenure in public school system
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:27-4</u>	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A. 18A:36-35</u>	Disclosure of certain student information on Internet prohibited without parental consent
	<u>N.J.S.A. 18A:36-40</u>	Written policy concerning electronic communications between school employees and students
	<u>N.J.S.A. 18A:37-13 et seq.</u>	Anti-Bullying Bill of Rights Act
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 47:3-15 et seq.</u>	Destruction of Public Records Law
	<u>N.J.A.C. 6A:9-3.3</u>	Professional standards for teachers
	<u>N.J.A.C. 6A:9B-4.7</u>	Grounds for revocation and suspension of certification

In the Matter of Certificate of Weidemoyer, Exam 2010 April 29.In the Matter of Certificates of Stenz, Exam 2010: March 25.In the Matter of the Certificates of Alan Chadrjian, Exam 2011: July 28.In the Matter of Rhaney, Exam 2011: June 16.In the Matter of Young, Exam: 2011: Sept 22.In Re Cluggish, Exam 2011, Dec 16.**Possible**

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*3570	District records
	*4111.1	Nondiscrimination/affirmative action
	*4119.21/4219.21	Conflict of interest
	*4119.22/4219.22	Conduct and dress
	*4119.23	Employee substance abuse
	*4131/4131.1	Staff development, inservice education, visitation, conferences
	*4211.1	Nondiscrimination/affirmative action
	*4219.23	Employee substance abuse
	*4231/4231.1	Staff development, inservice education, visitation, conferences
	*5125	Student records
	*5131	Conduct and discipline
	*5131.1	Harassment, intimidation and bullying
	*6121	Nondiscrimination/affirmative action
	*6142.10	Internet safety and technology
	*6144	Controversial issues
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SUBSTITUTE TEACHERS

The superintendent shall make provision to employ the services of substitute teachers in order to maintain the effective operation of the educational program.

The Salem City Board of Education shall approve potential substitute personnel and the positions in which they may substitute. Teacher substitutes must have at least a valid substitute teaching credential issued by the Executive County Superintendent, and preferably hold a degree.

Any substitute teacher shall be entitled only to the wages approved by the board on a per diem basis, and to no other benefits.

Persons employed as aides may not perform as substitutes for professional employees unless they are board-approved substitute teachers.

The superintendent shall recruit, screen and recommend to the board candidates for employment as instructional substitutes. He/she shall:

- A. Develop procedures for the assignment of substitutes;
- B. Develop methods of evaluating substitute teachers and recommend the retention on the board's approved substitute list of those substitutes who have performed their duties satisfactorily.

Vacant Positions and Use of Substitutes

It is the goal of the district to provide continuity in the educational program by employing permanent qualified teaching staff. When a position in the district is vacant, the district shall observe the limits as provided for in law, in the employment of substitute teachers.

Definitions

- A. A *Substitute Credential* allows the holder to temporarily perform the duties of a fully licensed and regularly employed teacher.
- B. A *Certificate of Eligibility (CE)* is a credential with lifetime validity issued to persons who have completed a degree program of academic study and the applicable test requirements for certification. The CE permits the applicant to seek and accept employment in positions requiring certification through the State Alternate Route Program.
- C. A *Certificate of Eligibility with Advanced Standing (CEAS)* is a credential with lifetime validity issued to persons who have completed a degree program of academic study and the applicable test requirements and traditional professional preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.

Limits on Filling Vacant Teaching Positions with Substitutes

A vacant teaching position shall not be filled in any school year by one or more individuals:

SUBSTITUTE TEACHERS (continued)

- A. Holding a substitute credential issued by the State Board of Education for a total amount of time exceeding 20 school days (N.J.S.A. 18A:16-1.1a);
- B. Employed as a substitute teacher, holding a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS) issued by the State Board of Examiners and *working in an area authorized by their credentials* for a total amount of time exceeding 60 school days (N.J.S.A. 18A:16-1.1b). If the substitute is employed more than 60 days, compensation shall be adjusted on a pro-rata basis, consistent with the salary provided to a teacher with similar credentials employed by the district;
- C. Employed as a substitute teacher, holding a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS) issued by the State Board of Examiners and *working in an area not authorized by their credentials* for a total amount of time exceeding 20 school days (N.J.S.A. 18A:16-1.1c);
- D. Employed as a substitute teacher and holding a standard instructional certificate issued by the State Board of Examiners and *working in an area not authorized by their credentials* for a total amount of time exceeding 40 school days (N.J.S.A. 18A:16-1.1d).

The executive county superintendent of schools may grant an extension of time in accordance with law, upon written application from the district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original time limit.

Adopted: November 14, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Substitute Teachers, Vacant Position, Vacancy, Long Term Substitute

Legal References: N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...

N.J.S.A. 18A:16-1.1 May appoint temporary officers and employees

See Particularly:

N.J.S.A. 18A:16-1.1a through -1.1d

N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.

N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions

N.J.S.A. 18A:29-16 Emergency certificates; day-by-day basis substitute

N.J.A.C. 6A:9A-1.1 et seq. Educator preparation programs

N.J.A.C. 6A:9B-7.1 et seq. Substitute credential

N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

P.L. 2010, c. 97, (N.J.S.A. 18A:16-1.1a) limits long term (over 20 days) employment of substitutes.

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

Sayreville Education Assoc. on behalf of Rucki et. al. v. Board of Education of the Borough of Sayreville, 193 N.J. Super. 390 (App.Div. 1984)

SUBSTITUTE TEACHERS (continued)

Lammers v. Board of Education of Borough of Point Pleasant, 260 N.J. Super. 390
(App.Div. 1992)

Possible

Cross References: *4111 Recruitment, selection and hiring
*4112.2 Certification
*4112.4/4212.4 Employee health

*Indicates policy is included in the Critical Policy Reference Manual.

STUDENT TEACHERS/INTERNS

The Salem City Board of Education encourages the superintendent to cooperate with colleges and universities in the placement of student teachers/administrative interns in the district's schools. Student teachers/administrative interns shall be placed with experienced staff members who agree to perform the necessary training and supervision.

The superintendent shall recommend and the board shall approve the selection and placement of student teachers and administrative interns. Student teachers/interns shall comply with the requirements of law regarding health examinations and criminal history checks.

The supervising teacher and principal shall be responsible for the conduct of student teachers while serving in the schools of this district. The superintendent shall be responsible for administrative interns.

Student teachers/interns shall be allowed to participate in school activities where their contributions would be appropriate to the educational program of the school.

The superintendent shall endeavor to ensure the equitable distribution of student teachers/interns throughout the district.

No remuneration will be provided to student teachers or administrative interns.

Procedure

- A. All requests made by prospective teachers or institutions of higher learning shall be submitted to the Superintendent/designee, who shall be responsible for determining the advisability of placing a student teacher in the district;
- B. The prospective student teacher shall be advised of the need for health and criminal background checks, the costs of which shall be borne by the prospective student teacher;
- C. The prospective student teacher shall be responsible for providing necessary transcripts from their institution of higher learning;
- D. The institution of higher learning shall be responsible for submitting written recommendations for prospective student teachers;
- E. The district reserves the right to limit or deny any requests for the placement of student teachers;
- F. Cooperating teachers will have completed a minimum of three years of teaching experience within the district;
- G. The Superintendent of Schools/designee shall have the authority to terminate the student teaching assignment at his/her discretion;
- H. While it may be necessary to leave the classroom so that the student teacher has complete control, the classroom teacher is ultimately responsible for the welfare and education of the students; no classroom teacher should leave a student teacher for extended periods of time without supervision;

STUDENT TEACHERS/INTERNS (continued)

- I. Student teachers shall not be considered as fully certificated and thus, may not be utilized as such;
- J. The institution of higher learning shall furnish liaison personnel who will be responsible for providing support to the student teacher and to district administration;
- K. At the discretion of the Superintendent of Schools, arrangements for student teachers from a specific institution of higher learning may be suspended or cancelled, if it is in the best interests of the district, in his/her professional opinion.

Adopted: November 14, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Student Teachers, Administrative Interns

Legal References: N.J.S.A. 18A:6-7.1 Criminal history record; employee in regular contact
 through -7.5 with students; grounds for disqualification from employment;
 exception
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:16-2 Physical examinations; requirement ...
 through -5
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal
 actions
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:9A-1.1 et seq. Educator preparation programs
N.J.A.C. 6A:9A-4.3 Admission to CEAS education preparation program
N.J.A.C. 6A:9A-4.4 Clinical components, supervision of practicum students
N.J.A.C. 6A:32-4.1(d)(e) Employment of teaching staff
See particularly:
N.J.A.C. 6A:32-4.1(d), -4.1(e)
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

Possible

Cross References: *4111 Recruitment, selection and hiring
 *4112.4/4212.4 Employee health
 *4121 Substitute teachers
 *4123 Classroom aides
 *6162.4 Community resources

*Indicates policy is included in the Critical Policy Reference Manual.

CLASSROOM AIDES (PARAPROFESSIONALS)

The Salem City Board of Education, within its financial means, may hire aides (paraprofessionals) as recommended by the superintendent.

It is the responsibility of the classroom teacher to plan for any teacher aide's (paraprofessional's) constructive involvement with the class. The primary benefit must be to the students.

Classroom aides (paraprofessionals) shall be under the supervision of the classroom teacher. Non-instructional aides shall be under the supervision of appropriate personnel as assigned by the superintendent.

The superintendent shall submit statements of assurance affirming that all paraprofessional staff hired were employed as instructional or health and safety personnel or in accordance with the requirements of individualized education programs. The statements of assurance shall be submitted biannually to the executive county superintendent no later than September 30 and January 31. All aides (paraprofessionals) shall be required to comply with the provisions of the law regarding health examinations and criminal history checks.

In accordance with federal law, the superintendent shall establish procedures to release information, upon request, regarding the qualifications of classroom aides (paraprofessionals) to parents/guardians for any classroom aide (paraprofessional) who is employed by a school receiving Title I funds and who provides instructional assistance to their children.

On or before May 15 in each year, a paraprofessional continuously employed since the preceding September 30 in a school district that receives funding under Title I of the federal Elementary and Secondary Education Act of 1965 shall receive either:

- A. A written offer of a contract for employment for the next succeeding year providing for at least the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education; or
- B. A written notice that such employment will not be offered.

Qualification of Classroom Aides (Paraprofessionals) In Title I Schools

All classroom aides (paraprofessionals) paid in whole or in part with Title 1 funds shall be qualified in accord with federal law. All such paraprofessional (classroom aides) must have a high school diploma or its equivalent. All such classroom aides (paraprofessionals), except those working as translators or solely in conducting parent involvement activities, also must meet one of the following criteria:

- A. Completed at least two years of study at an institution of higher education;
- B. Obtained an associate's (or higher) degree; or
- C. Passed a formal state or local assessment demonstrating ability to assist in instructing reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness, as appropriate.

Adopted: November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

CLASSROOM AIDE (PARAPROFESSIONALS (continued)Key Words

Aides; Classroom Aides; Teacher Aides; Background Check; Paraprofessionals; Personnel
Background Check

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-7.1 through -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; requirement ...
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-4.2	Approval of paraprofessional staff
	<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School employee physical examinations

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

<u>Cross References:</u>	*3541.1	Transportation routes and services
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4215	Supervision
	*4216	Evaluation
	4221	Noninstructional substitutes
	*5131	Conduct/discipline
	*6162.4	Community resources

*Indicates policy is included in the Critical Policy Reference Manual.

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Salem City Board of Education recognizes its legal obligation to provide inservice activities that are aligned with student learning and educator development needs, and school, district, and/or State improvement goals. It is the board's priority that continuing education for teaching staff focus on the improvement of teachers' and school leaders' effectiveness in assisting students in the achievement of the New Jersey Student Learning Standards.

The superintendent shall develop a comprehensive management system for staff professional improvement and shall assist staff members in the area of professional improvement by providing relevant information regarding workshops, professional meetings and course offerings. Professional learning shall incorporate coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.

District-Level Professional Development Plans

The superintendent or his or her designee shall oversee the development and implementation of a plan to address districts' professional development needs. The school district professional development plan shall be reviewed on an annual basis to assess its effectiveness and revised it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders. When overseeing and annually reviewing the school district plan, the superintendent 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- and district-level performances;
- C. Plan, support, and implement professional learning that addresses 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 the Professional Standards for School Leaders in N.J.A.C. 6A:9-3;
- D. Develop and update, as necessary, the district mentoring plan for nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS);
- E. Present the plan to the district board of education to review for fiscal impact; and
- F. Certify annually to the New Jersey Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan and that it includes requirements of the district mentoring plan.

School districts sending to the same middle and/or high school may form a regional consortium to develop one districtwide plan based on the sending schools' plans.

School-Level Professional Development Plans

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

The principal shall oversee the development and implementation of a plan for school-level professional development that shall ensure:

A. The school level plan includes:

1. A description of school-level and team-based professional learning aligned with identified school goals; and
2. Teacher and student learning needs; and

B. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements of N.J.A.C. 6A:9C-4.4(a) that at least 20 hours per year of qualifying professional development experiences are provided. The 20-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.

Professional Development for School Leaders

“School leader” means an administrator whose position requires possession of a school administrator, principal, or supervisor endorsement.

All active school leaders serving on a permanent or interim basis shall complete training on issues of school law, ethics, governance, and harassment, intimidation and bullying (N.J.S.A. 18A:26-8.2); and other statutory requirements related to student safety and well-being. To meet this ongoing requirement, the specific training needs of each school leader will be reviewed annually as part of the professional development planning process.

A. School Leaders

Each school leader shall create, implement, and complete an individual professional development plan (PDP) that:

1. Aligns with the Professional Standards for School Leaders (N.J.A.C. 6A:9-3.4) and the Standards for Professional Learning;
2. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the superintendent, principals, or supervisors;
3. Identifies professional goals that address specific individual, school, or district goals;
4. Grounds professional development activities in objectives related to improving teaching, learning, and student achievement, and in support of the school and/or district professional development plan; and
5. 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.

Each school leader's individual PDP shall be developed by October 31. However, when the school leader is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

B. Professional Development for the Superintendent

The superintendent shall develop an individual PDP for review by his or her district board of education. In developing the individual PDP, the following process shall be followed:

1. The board shall review the superintendent's individual PDP, including the individual training needs and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development;

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

2. The superintendent shall submit annually to the board evidence of progress toward completion of the individual PDP. The superintendent 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;
3. The superintendent 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.

C. Professional Development for Positions Requiring a Principal, Supervisor or Superintendent Endorsement

Leaders whose positions require a principal or supervisor endorsement, or whose positions require a superintendent endorsement but who do not serve as a superintendent of the district, shall develop an individual PDP in collaboration with his or her designated supervisor. Leaders shall provide evidence of progress toward fulfillment of his or her plan. The superintendent or designee shall:

1. Review each principal's, supervisor's, or other school leader's individual PDP, including individual training needs and shall ensure it aligns to school and school district goals and the school district's plan for professional development;
2. 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
3. Review the individual PDP's status as part of the principal's, supervisor's, or other school leader's annual performance evaluation.

D. Evidence of Progress and Maintaining Records

The school leader's designated supervisor, or the board in the case of the superintendent, shall:

1. 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 in the case of the superintendent shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
2. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements. 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.

- E. If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the board in the case of the superintendent, shall ensure a revised individual PDP appropriate to the new employment is developed in collaboration with the school leader.

Professional Development for Teachers

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-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.

The content of each 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. The individual PDP shall be effective for one year and shall specify, at a minimum:

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

Each teacher's individual PDP shall be updated annually no later than October 31. However, when the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in board policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4) but may occur more frequently throughout the year. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.

A teacher's individual PDP goals may necessitate more than the recommended minimum requirements of 20 hours of professional development annually. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.

The board of education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDPs.

Supervisor Responsibilities in the Development of Profession Development Plans (PDP)

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. The designated supervisor 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. 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.

If a teacher leaves the employ of one New Jersey school district and is hired by another, the former district of employment shall share the teacher's individual PDP and all supporting documentation with the new employing school district. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created within 30 days of hire by the employee's new supervisor in collaboration with the new teacher.

Achievement Gap and Inequity

The board shall on a continuing basis, provide professional development training for all school personnel (certified and noncertified) to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of protected status. Parents/guardians and other community members shall be invited to participate in the professional development training. Newly hired certified and noncertified staff shall be provided professional development training on educational equity issues within the first year of employment.

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, missing, abused and neglected children, drug/alcohol abuse awareness, suicide awareness, handling blood and body fluids, possible hazardous substances in the workplace, crises response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required annual 20 hours of continuing education. The superintendent or his or her designee shall determine when required presentations, seminars and/or workshops shall count toward the teaching staff member's completion of the required annual 20 hours of continuing education.

Adopted: January 13, 1994, September 13, 1995, June 12, 2002, June 6, 2007,
October 8, 2013, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Staff Development, Professional Inservice, Visitations, Conferences, Continuing Education

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:6-111 et seq.	Instruction in Suicide Prevention
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:6-112	Instruction in suicide prevention for public school teaching staff
<u>N.J.S.A.</u> 18A:6-117 et seq.	Teacher Effectiveness and Accountability for the Children
<u>N.J.S.A.</u> 18A:6-128	Ongoing professional development; corrective action plan
<u>N.J.S.A.</u> 18A:6-130 et seq.	Professional development
<u>N.J.S.A.</u> 18A:7A-11	Reports be school districts, commissioner; interim review
<u>N.J.S.A.</u> 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
<u>N.J.S.A.</u> 18A:26-8.2	"School leader" defined; training as part of professional development
<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries
<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
<u>N.J.S.A.</u> 18A:37-17	Establishment of Bullying Prevention Programs and Approaches
<u>N.J.S.A.</u> 18A:37-21	School Safety Team
<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum; availability
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:40A-3(a), -18(c)	
<u>N.J.S.A.</u> 34:5A-10	Retention of workplace surveys
<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification of instructors
<u>N.J.A.C.</u> 6A:7-1.4	Responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:7-1.6	Professional development

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:9C-4.1 through -4.4	Required professional development for teachers and school leaders
<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff
<u>N.J.A.C.</u> 6A:10-2.5	Corrective action plans for all teaching staff
<u>N.J.A.C.</u> 6A:10-4.1 <u>et seq.</u>	Components of teacher evaluation
<u>N.J.A.C.</u> 6A:14-1.2(b)14	District eligibility for assistance under IDEA Part B (regarding highly qualified teachers)
<u>N.J.A.C.</u> 6A:15-1.8	Inservice training (Bilingual Education)
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	Programs to Support Student Development Inservice training, alcohol, tobacco, drug prevention: safety and security, cooperation with law Enforcement
<u>N.J.A.C.</u> 6A:16-7.7	Harassment, Intimidation and Bullying
<u>N.J.A.C.</u> 6A:16-11.1	Reporting potentially missing, abused or neglected children or attempted or completed suicide
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1	Employment of teaching staff

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References:

*4115	Supervision
*4116	Evaluation
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.4	Child abuse and neglect
*6142.2	English as a second language; bilingual/bicultural
*6171.3	At-risk and Title 1
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PUBLICATION OF MATERIALS, COPYRIGHT AND INTELLECTUAL PROPERTY

The Salem City Board of Education encourages the teaching staff to participate in research, educational projects and other professional opportunities that enhance and support their interests and skills and professional reputation.

The staff may seek funding to conduct research, educational projects and other professional opportunities. All research, educational projects and other professional opportunities that involve students or use of district name, resources, staff time and/or facilities shall be approved by the superintendent. Projects may not interrupt or displace the regular instructional program. The superintendent may request progress reports during the course of the project and a final report upon the termination of the project, whether or not completed.

Student involvement in research projects shall be allowed only with the permission of parents/guardians and according to law and board policy 6162.5 Research.

Staff members are encouraged to contribute professional articles and news items to local, state and national agencies. As a matter of professional ethics, all professional articles shall be cleared through the office of the superintendent prior to publication or any public advertisement to ensure that the publication presents no conflict of interest. Any mention of the school district and its students, personnel, community or any of its separate departments and programs shall be in compliance with board policies 1110 Media, 1111 District Publications, 1140 Distribution of Material by Pupils and Staff.

The school district reserves the right to assert legal claim on all products created by its employees while on the job and with the assistance of school district funds.

Copyright

The staff of the Salem City Board of Education shall adhere to the provisions of the current copyright laws and congressional guidelines.

The board recognizes that unlawful copying and use of copyright materials contributes to higher costs for materials, lessens the incentives for development of quality educational materials, and fosters an attitude of disrespect for law which is in conflict with the goals of this school system.

The board directs employees adhere to all provisions of Title 17 of the United States Code of Federal Regulations entitled "Copyrights", and other federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

The board further directs that:

- A. Unlawful copies of copyrighted material may not be used with district-owned equipment, within district-owned facilities, or at district-sponsored functions;
- B. Unlawful copies of copyrighted material may not be produced on district owned equipment;
- C. The legal and/or insurance protection of the district will not be extended to employees who unlawfully copy and use copyrighted materials.

Employees who make copies of copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display, and are further expected to be able to provide to their

PUBLICATION OF MATERIALS,
COPYRIGHT AND INTELLECTUAL PROPERTY (continued)

supervisor, upon request, the justification under Section 107 or 110 of United States Code 17 for copies that have been made or used.

Employees who use copyrighted materials that do not fall within fair use or public display guidelines will be able to substantiate that the materials meet one of the following tests:

- A. The materials have been purchased from an authorized vendor by the individual employee or the board of and a record of the purchase exists;
- B. The materials are copies covered by licensing agreement between the copyright owner and the board or the individual employee;
- C. Materials are being reviewed or demonstrated by the user to reach a decision about possible future purchase of licensing and a valid agreement exists that allows for such use.

Copyright and the Internet

The board recognizes that staff and students can benefit from the wealth of information and materials published by scholars and other experts available on the Internet. Staff and students are encouraged to use the internet as a source of educational materials for research and educational projects. Staff and students shall use the internet and all other materials that are subject to copyright law or the intellectual property of another person according to law and board policy. Students and staff shall:

- A. Clarify ownership and proper usage of intellectual property rights; and
- B. Provide for the equitable distribution of monetary and other benefits derived from intellectual property.

All district staff, students and any other persons employed by the district and to all persons receiving funding administered by the district or receiving other compensation from the district, shall comply with law and board policy concerning copyright and intellectual property for all forms of written, internet published or other media materials.

District Ownership

Subject to the exceptions identified below, the district shall be the sole owner of all intellectual property created through the use of district resources or facilities, supported directly or indirectly by funds administered by the district, developed within the scope of employment by employees, agreed in writing to be a specially commissioned work, or assigned in writing to the district.

- A. The district shall have no ownership rights in the following intellectual property, which shall be owned by its creator:
 - 1. Regular academic work products, provided that the regular academic work product was not assigned in writing to the district or specifically ordered or commissioned and designated in writing by the creator and district as a specially commissioned work;
 - 2. Intellectual property created by a student solely for the purpose of satisfying course requirements, unless the student assigns ownership rights in the intellectual property to the district in writing or assignment of such ownership rights to the district is made a condition for participation in a course.

If the intellectual property referred to in (1) or (2) above is a derivative of or otherwise uses pre-existing district-owned intellectual property, this provision shall not prevent the district from asserting its pre-existing rights.

- B. For intellectual property created in the course of or pursuant to external sales, industrial affiliates programs or other contractual arrangements with external (non-district) parties, ownership will be

PUBLICATION OF MATERIALS,
COPYRIGHT AND INTELLECTUAL PROPERTY (continued)

determined in accordance with the terms of the district's agreement with the external party and applicable law.

Software Development

Computer software programs developed by those in the employ of the board, including faculty, staff, and students, become the property of the board if the programs were developed during the hours of employment and/or with the use of district-owned equipment or supplies.

To encourage employees and students to develop educational computer software materials for public use within and outside the school district, agreements can be initiated between the creators of material and the board, through the chief school administrator.

The copyright and royalties of computer software materials developed solely at an individual's expense and on his or her own time are the property of the individual.

Adopted: June 12, 2002, May 9, 2007, June 6, 2007, August 8, 2018,
November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Copyright, Intellectual Property, Publication

Legal Reference: N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students

20 U.S.C.A. 1232g – Family Educational Rights and Privacy Act

20 U.S.C.A. 1232h – Protection of Student Rights Amendment

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

United States Code of Federal Regulations, Title 17, Federal Copyright Laws – 1976

Possible

<u>Cross References:</u>	<p>*1312 Community complaints and inquiries</p> <p>*2224 Nondiscrimination/affirmative action</p> <p>*4119.22/4219.22 Staff conduct and discipline</p> <p>*5145.4 Equal educational opportunity</p> <p>6000 Concepts and roles in instruction</p> <p>*6010 Goals and objectives</p> <p>*6121 Nondiscrimination/affirmative action</p> <p>*6140 Curriculum adoption</p> <p>*6141 Curriculum design/development</p> <p>*6161.1 Evaluation and selection of materials</p> <p>*6161.2 Complaints regarding instructional materials</p> <p>*6162.5 Research</p> <p>*6163.1 Media center/library</p>
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*Indicates policy is included in the Critical Policy Reference Manual.

Policy

WORK STOPPAGES/STRIKES

The Salem City Board of Education opposes the use of strikes by district employees as a tactic to pressure the board to make concessions for settlement of a collective bargaining contract because strikes by public employees are illegal. There is no authorization in law for strikes/work stoppages.

In the event of an emergency brought about a job action, including a strike, by any employee group, it shall be the policy of the Salem City Board of Education to make every effort to keep schools open and to carry out its obligation under New Jersey state law; Title 18A, to educate the children of the community. Since there is no authorization in law for job actions, and since actions are constitutionally prohibited, including strikes, by public employees, it shall be the policy of the board, in the event of any job action, including a strike or any other act that withholds employee services from the board, to take appropriate legal action to deal with such a matter.

In emergency situations under this policy, including a partial strike, a coordinated, mass use of sick leave, or other concerted refusal by staff to perform their assigned duties, all usual policy adoption procedures shall be suspended for the duration of the emergency, and the Board may adopt policies on first reading to enable the Board to maintain operation of the schools and the safety and welfare of the community, pupils and employees.

The superintendent or his/her designee shall have the authority to take such immediate emergency steps as he/she deems necessary to ensure the safety and well-being of pupils and employees and to protect the property of the district. Such steps shall be reported to the board of education as soon thereafter as administratively possible.

A. For the duration of any work stoppage or strike, the superintendent shall be authorized to:

1. Direct the board attorney to take, immediately, such legal steps as necessary to resolve the dispute;
2. Contract for or otherwise obtain transportation, food, telephone, utilities and such other services deemed necessary during the emergency;
3. Direct that the administrator of each school prepare a plan for any emergency, to include emergency schedules, lesson plans and assignment of personnel and such other activities necessary to conduct the education program;
4. Require any employee to work overtime and fix the hours of employment of all employees, and fix and pay daily rates for certified and non-certified substitutes which will attract the necessary personnel;
5. Assign or reassign personnel, and employ such additional personnel as are deemed necessary during the emergency;
6. Declare a minimum school day for pupils;
7. Close the schools when, in the opinion of the superintendent, the physical welfare of pupils, employees or the community is in jeopardy due to inadequate staffing or other reasons;
8. Cancel activities;
9. Make adjustments to the school calendar;
10. Make public statements, issue news releases, make or authorize all statements to parent(s) or legal guardian(s) during the emergency concerning the educational program, health, safety and welfare of the pupils. The superintendent is not authorized to make public statements, news releases or written statements concerning the status of negotiations, employee benefits, rights and privileges, and litigation;

WORK STOPPAGES/STRIKES (continued)

11. Contact the local police and arrange for such police protection as the superintendent deems necessary to protect the safety and welfare of pupils and employees;
12. Arrange for security personnel;
13. After consulting with the board president, take other steps consistent with the intent of this policy.

B. During any work stoppage or strike, the following personnel policies shall be in effect:

1. Only emergency leaves of absence and proven sick leave will be authorized;
2. Effective the first day, all employees' absences, medical or otherwise, shall be substantiated by a doctor's statement or other authenticated documentation acceptable to the superintendent; Unauthorized absences shall result in a full deduction of one day's salary for each day of absence;
3. The board shall reserve the right to withhold payment of district contributions to employee benefit programs during an unauthorized absence;
4. On the day of absence the employee must notify the superintendent before 3:00 p.m. concerning his/her work intentions for the following day, otherwise a substitute may be hired. The employee may not work and shall not be paid.

In the event that a strike is under consideration by any district employee organization, all staff are not to permit any discussions with pupils regarding a strike to interfere with carrying out their regular teaching responsibilities. If pupils raise questions regarding any potential strike, staff are instructed to deal with the questions in accordance with board policy 6144 Controversial Issues.

Staff are prohibited from requesting pupils to carry messages, oral or printed, to their parent/guardians that promote the position or carry an explanation of any employee organization that is engaged in or contemplating a strike (board policy 1140 Distribution of Materials by Students and Staff).

Adopted: June 6, 2007, November 14, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Strike, Work Stoppage, Protest, Settlement, Negotiation, Collective Bargaining

Legal References: N.J.S.A. 34:13A-3 Definitions
N.J.S.A. 34:13A-5.3 Employee organization; right to form or join; collective negotiations

Possible

Cross References: *1140 Distribution of materials by students and staff
 *2131 Chief school administrator
 4000/4010 Concepts and roles in personnel, goals and objectives
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *4112.6/4212.6 Personnel records
 *5142 Student safety
 *6144 Controversial issues

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

NEGOTIATIONS/CONSULTATION

The Salem City Board of Education recognizes its duty to negotiate in good faith regarding terms and conditions of employment with the majority representatives of its unionized employees. To effectuate this responsibility, the board shall appoint a personnel/negotiations committee(s) to represent it in negotiations with employee organizations, but the entire board retains the authority to review and to accept or reject any tentative agreement(s) reached by its personnel/negotiations committee(s).

Only board members who do not have a conflict of interest pursuant to opinions/decisions of the School Ethics Commission and/or to board bylaws shall participate in discussions of negotiations positions and vote on ratification of the tentative agreement reached by the board's bargaining team. For the purposes of this policy, any reference to the board shall mean only those board members of the board who can participate in negotiations.

In addition to board members, the board's negotiating committees may include administrators, and such outside negotiations experts as designated by the board. The number of board members assigned to any negotiations committee shall not constitute a majority of all board members who can participate in negotiations. The board, at its discretion, shall appoint one member of the committee to serve as the board's chief spokesperson.

The board, in consultation with administrators and the negotiations committee(s) shall set bargaining goals and parameters for any settlement. The committee(s) shall have the authority to negotiate within the parameters determined by the board; the committee(s) shall not have the authority to make proposals, or to agree to union proposals, which are not in accord with the board's parameters.

Members of the committee(s), other board members and administrators shall not have the authority to consult with or to negotiate with any employees or representatives of employees regarding any matters currently the subject of negotiations without the express consent of the committee.

The committee(s) shall regularly report to the board, in executive session, the progress of negotiations and may seek additional direction or advice from the full board, the administrative staff, or any outside negotiations expert designated by the board.

The board shall provide committee members and other interested board members with the opportunity to attend labor relations training programs. To keep the full board informed of the process, members attending such programs will report to the board at the first board meeting following the program.

The board president shall act as spokesperson for contacts with the public and the press regarding negotiations. Board members and administrators shall refer all inquiries concerning negotiations to this spokesperson. No board member or administrator other than the designated spokesperson has the authority to discuss any aspect of negotiations without the express consent of the board.

The board shall direct the superintendent to establish, in consultation with the board, the administrative staff and any labor relations consultants designated by the board, procedures for administrative involvement in the negotiations process and for the administration of the negotiated agreement(s).

Adopted:	June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022
Revised:	November 9, 2022

Key Words

NEGOTIATIONS/CONSULTATION (continued)

Negotiations, Representation, Agreement, Consultation

Legal References: N.J.S.A. 34:13A New Jersey Employer-Employee Relations ActRidgefield Park Education Association V. Ridgefield Park Board of Education,
78 N.J. 144 (1978)**Possible**

<u>Cross References:</u>	*2131	Chief school administrator
	4000	Concepts and roles in personnel
	*4111	Recruitment, hiring and selection
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4/4212.4	Employee health
	*4112.6/4212.6	Personnel records
	*4112.8/4212.8	Nepotism
	*4121	Substitute teachers
	*6010	Goals and objectives
	*9000	Role of the board
	*9130	Committees

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

GRIEVANCES

The Salem City School District shall develop and practice reasonable and effective means of resolving difficulties which may arise among employees. The superintendent shall oversee the implementation of a grievance procedure that:

- A. Ensures prompt response to staff grievances;
- B. Is fair and in compliance with law and board policy 4111.1/4211.1 Affirmative Action/Nondiscrimination;
- C. Establishes and maintains recognized channels of communication between staff and administration; and
- D. Reduces potential areas of grievances.

With the ultimate goal of serving the educational welfare of children, the informal grievance procedure following provides for the prompt and equitable adjustment of differences. It is essential that full cooperation be given by all employees to achieve these goals.

Each employee shall be assured the opportunity for an orderly presentation and review of concerns and grievances.

No employee shall suffer reprisals or reduction in status as a result of having presented a grievance or having represented an employee in a grievance.

It shall be the general practice to process grievance procedures during time which does not interfere with assigned duties.

An individual employee or his/her representative during the course of the processing of a grievance shall continue to follow administrative directives and board policy.

The board shall comply with grievance procedures set forth in any applicable collectively negotiated bargaining agreements.

Adopted:	June 6, 2007, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Grievance, Staff Grievance, Grievance Procedure, Negotiated, Bargaining Agreement

Legal References:	<u>N.J.S.A.</u> 18A: 11-1	General Powers
	<u>N.J.S.A.</u> 18A:27-4	Power of the board to make rules governing the employment of teachers, etc.

Possible

Cross References:	*1120	Board of education meetings
	*1312	Community complaints
	*3570	District records and reports
	*4112.6/4212.6	Personnel records
	*4116	Evaluation
	4148	Employee protection

STAFF GRIEVANCE (continued)

*4116	Evaluation
4248	Employee protection
*5145.6	Student grievance procedure
*6144	Controversial issues
*6161.1	Guidelines for evaluation and selection of instructional materials
*6161.2	Complaints regarding instructional materials
*6163.1	Media center/library
*9010	Role of the member
*9020	Public statements
9123	Appointment of board secretary

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

MEETINGS/COMMITTEES

The Salem City Board of Education considers it part of a staff member's professional responsibilities to attend such staff meetings as may be required for the proper functioning of a school, to serve on committees involved in curriculum development and textbook selection and to participate in parent/guardian-teacher organizations and functions.

School administrators shall seek to give sufficient notice of staff meetings, hold them to reasonable frequency and length, and make committee assignments equitably, taking into account provisions of current negotiated agreements.

All teaching staff are required to attend meetings called by the superintendent and principals, unless otherwise noted.

Repeated failure to attend required meetings and failure to attend meetings when permission to be absent has been denied are considered serious by the administration and may result in disciplinary action.

Adopted: June 6, 2007, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Committee, Meetings

Legal References: N.J.S.A. 18A:11-1 General and mandatory powers
 N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment

Cross References: *4119.21/4219.21 Conflict of interest
 *4119.22/4219.22 Conduct and dress

*Indicates policy is included in the Critical Policy Reference Manual.

NONSCHOOL EMPLOYMENT

School employees shall not engage in outside activities or perform any services other than those assigned by the district during the hours of the prescribed school day.

School employees shall not solicit or sell products for personal gain within the school while under active contract.

No outside work by a staff member shall prevent him/her from properly performing assigned functions during duty hours or be prejudicial to his/her work effectiveness.

Adopted: June 6, 2007, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Nonschool Employment; Employee Outside Activities

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-8.1	Leave of certain employees to serve in legislature
	<u>N.J.S.A.</u> 18A:6-8.2	Leave of certain employees to serve on board of chosen freeholders
	<u>N.J.S.A.</u> 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-24	School officials; prohibited conduct
	<u>N.J.S.A.</u> 18A:17-18	Full time required of superintendents; when
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 52:13D-12 <u>et seq.</u>	New Jersey Conflicts of Interest Law
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

Possible

<u>Cross References:</u>	*3514	Equipment
	*4119.21/4219.21	Conflict of interest
	*4138.2	Private tutoring

*Indicates policy is included in the Critical Policy Reference Manual.

PRIVATE TUTORING

The Salem City Board of Education recognizes that the discharge of its responsibility to provide a thorough and efficient system of education for each child in the district may require special help for some students beyond the regular classroom program. Tutorial instruction shall be interpreted to mean individualized instruction additional to, and in support of, regular classroom instruction.

Wherever possible within the working day, each teaching staff member shall assist assigned students in the remediation of individual learning difficulties.

In certain cases where extra help is desirable and the parents/guardians request such assistance, a teacher or administrator may recommend that the parents/guardians secure tutorial services for the student.

To avoid placing a teacher in a position where he/she may have a conflict of interest, teachers shall not tutor, for a fee, students enrolled in their classes or upon whose evaluation or assignment they may be called upon to pass. Nor shall any employee of the board make a commitment to perform services for extra pay when he/she has been instrumental in recommending the need for those services.

Teachers shall not tutor any student for pay during regular working hours or on school premises.

Adopted: June 6, 2007, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Tutoring, Conflict of Interest

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teachers,
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *4119.21/4219.21 Conflict of interest
*4138/4238 Nonschool employment
6164.6 Tutoring
*6173 Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PAYROLL AUTHORIZATION/SALARY CHECKS AND DEDUCTIONS

Payroll Authorization

Employment of all district personnel whether by the year, term, month, week, day or hour in contract, temporary, or substitute form must be approved by the Salem City Board of Education. Authorization to pay follows there from.

Each motion of the board to employ or re-employ on a contractual basis (i.e., for a fixed period of time) shall include the name of the individual, the position title, the salary to be paid over the term of the contract and the period of employment. Each motion of the board to employ on a temporary basis (i.e., by the hour or day) shall include the name of the individual, the position title and the rate of pay. Motions regarding personnel actions noted in the board minutes, to include, but not be limited to, the appointment, promotion, resignation, retirement, death, discharge, compensation, or leave of absence for each employee. The minutes will also include effective dates for personnel action.

Approval for payment in the performance of special activities is required as follows: bedside instructors, as certified by the superintendent; coaches, as certified by the principal and superintendent; extracurricular advisors, as certified by the principal and superintendent.

Authorization is hereby given to withhold salary or wages for unapproved time off by action of the board secretary/business administrator.

The payroll journal shall be certified by the board secretary/business administrator and the president of the board, monthly. One warrant for the net amount of the payroll and a second warrant for all payroll deductions, together with district matching funds and administrative charges, shall be deposited to special accounts for disbursement by the treasurer upon receipt of the certified payroll.

Staff members shall be paid in accordance with the provisions in their collective bargaining agreement and/or in accordance with a schedule provided to all employees prior to the beginning of the contract or school year. At least once every three years, between the months of September through May, the superintendent shall require each district employee to report to a central location(s) and produce picture identification and sign for release of his or her paycheck or direct deposit voucher (N.J.A.C. 6A:23A-5.7). The accepted picture identification shall be in the form of a district-issued identification card, valid drivers' license, official passport, or other picture identification issued by a State, county, or other local government agency.

The superintendent shall designate an appropriately qualified staff member to match the picture identification to the position control roster maintained by the office of personnel or human resources prior to release of the pay check or direct deposit voucher. If the district elects to conduct this payroll verification prior to the district's required implementation of the position control, the district may use similar and suitable office of personnel or human resources generated listing of employees (N.J.A.C. 6A:23A-6.8). Where no appropriate identification can be produced, the business administrator/board secretary shall withhold paychecks or stop direct deposits until such time the payee/district employee can produce appropriate identification or until an investigation and corrective action is concluded, as appropriate to the circumstances.

Upon completion of the payroll check distribution verification procedures, the superintendent shall submit a certification of compliance, in a form prescribed by the Department of Education, to the executive county superintendent. Verification of the district's compliance with the verification procedures will be required as part of the annual audit.

The payroll journal will be certified by the board secretary, the president of the board, and approved by the superintendent.

PAYROLL AUTHORIZATION/SALARY CHECKS AND DEDUCTIONS (continued)Payroll Deductions

The board may in its discretion act on behalf of individual employees to deduct a certain amount from the employees' paycheck and remit an equal amount to an agent designated by the employee. It is the purpose of this policy to designate those purposes not otherwise mandated by law for which the board is willing to act on behalf of an employee.

No deduction may be made from the wages of an employee except for federal income tax, social security, New Jersey Income Tax and New Jersey Unemployment Assistance without proper authorization. Pension deductions are authorized by the New Jersey Division of Pensions; all other deductions are authorized only by the employee.

The board has authorized in accordance with the below cited legislation that deductions may be made from an employee's paycheck upon proper authorization on the appropriate form, as prepared by the district, for the following purposes:

- A. The payment of premiums for group life, accidental death or dismemberment, hospitalization, medical, surgical, major medical, health and accident, and legal insurance plans (N.J.S.A. 18A:16-13);
- B. The purchase of United States Government bonds (N.J.S.A. 18A:16-8);
- C. The employee's participation in a summer payment plan for repayment to the employee in one payment in June or by payment upon the death or termination of the employee, if earlier (N.J.S.A. 18A:29-3);
- D. Tax sheltered annuities or custodial accounts (N.J.S.A. 18A:66-127) The guidelines for tax shelter annuities in the district shall be as follows:
 - 1. The approved agencies shall be designated by the board;
 - 2. The board shall direct the business administrator/board secretary to make semi-monthly payroll deductions and transmit such to the agency;
 - 3. Any questions or clarifications of these programs shall be addressed by employees to the business administrator/board secretary. Any enrollment or information sessions relative to the programs shall be conducted after regular school hours;
 - 4. The board accepts no liabilities for the performance of either the funds or the agencies;
- E. Payments to a credit union (N.J.S.A. 40A:9-17). The guidelines for credit union payroll deductions in this district shall be as follows:
 - 1. The approved agency shall be designated by the board of education in accordance with pertinent negotiated contracts;
 - 2. The board shall direct the business administrator/board secretary to make payroll deductions and transmit such to the designated credit union each payroll period;
 - 3. All enrollments for the program shall be accomplished in September or February of each school year;
 - 4. Any questions or clarifications of these programs shall be directed to the credit union by employees; Any enrollment or information sessions relative to the programs shall be conducted after regular school hours;
 - 5. The board accepts no liabilities or responsibility for the performance of the designated credit union.
- F. An approved charitable fund raising campaign (N.J.S.A. 52:14-15.9c); and
- G. Bona fide organizational dues (N.J.S.A. 52:14-15.9e).

Contributions shall be made as soon as is reasonably possible after the funds have been deducted from an employee's salary. No contribution shall be made on behalf of an employee until the amount contributed has been deducted from the employee's salary.

PAYROLL AUTHORIZATION/SALARY CHECKS AND DEDUCTIONS (continued)

The board will permit the remittance of funds for annuities and mutual funds only to those insurers and custodial accounts authorized by law and expressly approved by this board. The board will consider the approval of only those insurers and custodial accounts to which 25 or more employees of this district subscribe.

If the number of subscribers falls below that number, no new subscribers will be allowed and the account will be terminated when all remaining subscribers have closed their accounts.

No more than 3 accounts will be approved for remittance at any one time.

An employee who wishes to pay into a tax sheltered annuity or mutual fund offered by a firm not approved by this board for payroll deductions must make his or her payment individually.

The board wishes to provide members of the Teachers' Pension and Annuity Fund (TPAF) and the Public Employees' Retirement System (PERS) the opportunity to make tax deferred contributions under the United States Internal Revenue Code. On the written approval of an employee, contributions deducted from the employee's wages and remitted directly to TPAF or PERS, as appropriate, will be designated as employer contributions, paid by the board on behalf of the employee. No employee may receive the contributed amount directly.

No board employee shall withhold or pay to another or purchase or have assigned, other than by court order, any compensation for services of any district employee.

Direct Deposit

In accordance with the provisions of law (P.L. 2013, C. 38), each employee of the district shall have his/her net pay direct deposited in a banking institution in a checking account, savings account or share savings account specified by the employee.

The board of education may, at its sole discretion grant an exemption from the requirements adopted in accordance with such terms and conditions as the board of education may deem necessary. Each employee shall notify the business administrator/ board secretary in writing, the name of the employee's specified banking institution, account number and routing number for direct deposit of the employee's net pay funds.

Each employee shall receive any information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information. Paper pay stubs will not be available and employees will be required to use the employee portal. The portal will provide all necessary payroll information previously provided on employee paper pay stubs.

Administrators and business office personnel will provide guidance to employees in the use of the portal, if necessary.

The business administrator/board secretary shall develop and initiate necessary procedures to protect the integrity and confidentiality of employee information relative to the provisions of this policy.

The board of education may, at its sole discretion grant an exemption from the requirements adopted in accordance with such terms and conditions as the board of education may deem necessary.

Adopted: December 13, 2017, July 11, 2018, August 8, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Payroll Authorization, Salary Checks, Deductions, Direct Deposit

PAYROLL AUTHORIZATION/SALARY CHECKS AND DEDUCTIONS (continued)

<u>Legal References:</u>	<u>N.J.S.A. 18A:16-8</u>	Salary deduction for government bonds
	<u>N.J.S.A. 18A:16-9</u>	Responsibility of board
	<u>N.J.S.A. 18A:16-13</u>	Entering into group life, hospitalization, health and accident insurance contracts
	<u>N.J.S.A. 18A:29-3</u>	Summer payment plans; continuance of plan to raise funds
	<u>N.J.S.A. 18A:66-30</u>	Employee's consent to deductions
	<u>N.J.S.A. 18A:66-32</u>	Employer's duties
	<u>N.J.S.A. 18A:66-78</u>	Teacher's pension and annuity fund: additional death benefits; contributions; adjustment
	<u>N.J.S.A. 18A:66-127</u>	Tax sheltered annuities
	<u>N.J.S.A. 40A:9-17</u>	Payment to credit unions
	<u>N.J.S.A. 52:14-15.9 et seq.</u>	Public Employee Charitable Fund-raising Ac
	<u>N.J.A.C. 6A:23A-1 et seq.</u>	Accountability regulations
	<u>See Particularly:</u>	
	<u>N.J.A.C. 6A:23A-5.7</u>	
	<u>N.J.A.C. 6A:23A-6.8</u>	

PL 2013, c, 28, Direct Deposit

Possible

<u>Cross References:</u>	*3100	Budget planning, preparation and adoption
	*3326	Payment for goods and services
	*3570	District records and reports
	3571	Financial reports
	*3571.4	Audit

*Indicates policy is included in the Critical Policy Reference Manual.

INSURANCE/WORKERS COMPENSATION

- A. In the case of an emergency situation, medical attention should be sought from the nearest or most practical facility available;
- B. In non-emergency situations, the school doctor or nurse must evaluate the injury first. He/she will refer the patient to other approved panel physician specialists if necessary;
- C. Lost work time may be authorized only by the district's doctor or the referred specialist;
- D. Failure to go to the school doctor, nurse or assigned insurance carrier doctor will result in the insurance company's denial of payment of all disability and medical benefits an employee may be entitled to;
- E. Re-examination of the employee by the school doctor or the assigned insurance carrier doctor prior to returning to school work is required.

*Indicates policy is included in the Critical Policy Reference Manual.

EMPLOYEE SAFETY

Through its overall safety program, the Salem City Board of Education shall seek to ensure the safety of employees during working hours and directs the superintendent to develop rules and procedures to protect its employees in the performance of their duties. Such procedures shall include, but not be limited to:

- A. Official channels for parent/guardian or student grievances or complaints;
- B. Disciplinary regulations that reduce the possibility of student violence;
- C. Reporting procedures that bring potentially problem situations to the immediate attention of the superintendent.

The board shall be diligent in maintaining safe working conditions for employees. It shall provide an Exposure Control Plan for the occupational containment of bloodborne pathogens as described in file code 4112.4/4212.4 Employee Health. The board shall also provide information on possible hazardous substances in the workplace, in accordance with law.

The board shall expect employees to follow all established safety rules and regulations, such as those pertaining to the use of safety equipment, the wearing of safety clothing and protective eye devices where appropriate, and the lifting or shifting of heavy weights.

The board directs that any incident of accident or injury to any employee that occurs during working hours be reported immediately to the school nurse or to their supervisor if the nurse is not available. The school nurse shall advise the superintendent of the nature and extent of the injury(ies) as well as any first aid administered by the school nurse. Additionally, the school nurse shall provide the superintendent with a completed copy of the school accident/injury form. An accident/injury investigation report must be submitted in-detail to the superintendent's office by the following working day.

The school nurse and/or superintendent or designee shall be responsible for arranging for emergency transportation or treatment of the injured employee if that action is necessary. It shall be the responsibility of the school nurse to determine whether transportation to a hospital or to the school physician is necessary.

Adopted: June 6, 2007, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Insurance Management, Accidents, Employee Safety

<u>Legal References:</u>	<u>N.J.S.A. 2C:7-1 et seq.</u>	Registration of sex offenders; definition; requirements
	<u>N.J.S.A. 18A:16-2</u>	Physical examinations; requirement
	<u>N.J.S.A. 18A:40-12.1</u>	Protective eye devices required for teachers, students and visitors in certain cases
	<u>N.J.S.A. 18A:40-12.2</u>	Rules prescribing kinds, types and quality of devices
	<u>N.J.S.A. 34:5A-1 et seq.</u>	<u>Worker and Community Right to Know Act</u>
	<u>N.J.S.A. 34:6A-25 et seq.</u>	<u>New Jersey Public Employees' Occupational Safety and Health Act</u>
	<u>N.J.S.A. 34:19-1 et seq.</u>	<u>Conscientious Employee Protection Act</u>

SAFETY (continued)

<u>N.J.A.C.</u> 6A:26-12.5	Eye protection in schools
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 12:100-4.2	Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

Possible

<u>Cross References:</u>	*3510	Operation and maintenance of plant
	*3516	Safety
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.4/4212.4	Employee health
	*5142	Student safety

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

FAMILY LEAVE AND MEDICAL LEAVE

Statement of Purpose

In accordance with the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., (FMLA) and the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et seq., (NJFLA), the board of education will permit eligible employees to take an job-protected leave of absence due to certain qualifying events. All requests by eligible employees for a leave of absence that qualify under the FMLA, the NJFLA, or both, are subject to this policy.

Scope and Effective Date

This policy applies to all board employees eligible for leave under the FMLA or the NJFLA and will apply to all applications for a leave of absence pursuant to the FMLA and/or the NJFLA made on or after the date of adoption of this policy.

Non-waiver of Rights

The interaction between the FMLA, the NJFLA, and other applicable laws is complicated and may need to be reviewed on a case-by-case basis. Employees will receive that to which they are entitled by law. This policy will not serve to grant any greater rights or waive any right that the board may have under the FMLA or the NJFLA.

Eligibility and Qualifying Events

An employee must be an eligible employee and choose to take a leave of absence because of one or more of the qualifying events described below:

A. Federal Family and Medical Leave Act (FMLA)

Employees are eligible for FMLA leave when employed by the board for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the date your leave commences.

Employees qualify for FMLA benefits for:

1. The birth of your child;
2. The placement of a child with you for adoption or foster care;
3. Your need to care for a spouse, parent or dependent child who has a serious health condition;
4. A serious health condition that prevents you from performing the essential functions of your job;
5. Military family qualifying exigency and care giver.

B. New Jersey Family Leave Act (NJFLA)

Employees are eligible for NJFLA when employed by the board for at least 12 months and have worked at least 1,000 base hours during the immediately preceding 12 month period.

As of June 30, 2019, all employers with 30 or more employees worldwide will be covered. In addition, all state and local government agencies, regardless of size, are covered by the NJFLA.

Employees qualify for NJFLA benefits for:

1. The birth of your child, including childbirth under a valid agreement between and employee and a gestational carrier;

FAMILY MEDICAL LEAVE (continued)

2. The placement of a child with you for adoption or foster care;
3. Your need to care for a family member including a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, or one partner in a civil union couple, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship who has a serious health condition;
4. Leave authorized pursuant to the New Jersey Safe Act for domestic violence or a sexually violent offense;
5. Your need to care for a parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, who was a victim of domestic violence or a sexually violent offense. This unpaid leave shall be no more than 20 days in one 12-month period, to be used in the 12-month period next following any incident of domestic violence or any sexually violent offense.

Note: Paid leave and unpaid leave are not included for purposes of calculating the number of hours worked under the FMLA and the NJFLA.

Note: Leave taken for the birth, adoption or placement of a child in foster care must begin within one year of the birth, adoption or placement.

Duration of Leave

The amount of leave that may be taken by an eligible employee because of a qualifying event and how the amount of leave is measured depends upon whether the leave is taken pursuant to the FMLA, the NJFLA, or both. The amount of leave available to an employee will be calculated on a "rolling forward" basis. If a leave of absence qualifies pursuant to both statutes, an employee is eligible to take the maximum amount of leave provided by either statute as follows:

A. Federal Family and Medical Leave Act (FMLA)

The 12 month period is measured forward from the first date that FMLA leave is taken; the next 12 month period begins the first time FMLA leave is taken after completion of any previous 12 month period.

An eligible employee may receive up to a total of 26 workweeks of unpaid, job-protected military care giver leave during a single 12-month period to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. A service member is either a current member of the Armed Forces or a veteran of the Armed Forces who requires care due to a qualifying condition incurred or aggravated by their service (see: regulation for special criteria applying to military service members).

B. New Jersey Family Leave Act (NJFLA)

An employee's NJFLA unpaid leave entitlement is limited to a total of 12 weeks in any 24 month period upon advanced notice to the board. The 24 month period is any 24 months measured from the first date any leave is taken.

Definition of Serious Health Condition

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition which requires inpatient care in a hospital, hospice or residential medical care facility or continuing medical treatment or continuing supervision by a healthcare provider as described by the FMLA and NJFLA. Serious health condition does include routine physical, eye or dental examinations.

Advance Notice

FAMILY MEDICAL LEAVE (continued)

In all cases, an employee requesting leave must complete an application for a leave of absence form. If the employee intends to take a leave of absence to care for a family member with a serious medical condition, he or she is required to provide the board with 30 days notice. If the need for the leave of absence is unforeseeable, the employee must notify the board as soon as possible. If the employee does not complete the required forms, or if he or she fails to give the required notice, the board may deny the leave request or delay the commencement of the leave.

Notice of Rights

The superintendent shall ensure that conspicuous notice is displayed of district employees' rights and obligations pursuant to the New Jersey Security and Financial Empowerment Act (N.J.S.A. 34:11-1 et seq.), regarding family leave for victims of domestic violence or a sexually violent offense or employees who must care for a family member who is a victim. The notification shall be in the form and manner that the Commissioner of Labor and Workforce Development prescribes. The district shall use other appropriate means to keep its employees so informed.

How Leave May Be Taken

Under certain circumstances, leave may be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying event. A reduced leave schedule is a leave schedule that reduces your usual number of working hours per workweek or per workday. Intermittent leave may be taken due to the birth or adoption of a child without the approval of superintendent. A reduced leave schedule will be approved for leaves due to the serious health condition of the employee only if medically necessary. If the leave of absence is needed for a planned medical treatment, the employee must schedule the treatment so as to create minimum disruption to the school district.

Intermittent leave is non-consecutive leave comprised of intervals each of which is at least one but less than twelve weeks (12) weeks within a consecutive twelve month (12) period for each single serious health condition. The board shall approve all requests for medically necessary intermittent leave.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on care of or planned medical treatment for a family member, or if an employee is given approval to take intermittent or reduced schedule leave for the birth of a child or placement of a child for adoption, the employee may be required to temporarily transfer to an available alternative position with equivalent pay and benefits during the period of leave. Additionally, those employees who are employed mainly in an instructional capacity (instructional employees) who request leave that is foreseeable based on a planned medical treatment may be required to take leave for periods of a particular duration or transfer temporarily to an alternative position with equivalent pay and benefits when the employee would be gone for more than 20 percent of the working days during the period of leave. Instructional employees who fail to give 15 day notice of foreseeable leave to be taken intermittently may also be required to take leave of a particular duration, to transfer temporarily to an alternative position, or to delay the taking of leave until the required notice is given.

Continuity of Instruction

Where applicable, the board reserves the right to require that an instructional employee continue his or her leave until the end of a term if leave begins more than five weeks prior to the end of a term, lasts at least three weeks, and the employee would return during the three-week period prior to the end of the term. If an employee is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's leave entitlement. The board has the option not to require the employee to stay on leave until the end of the school term.

Medical Certification

If the application for a leave of absence is based on a serious health condition of an employee or the serious health condition of a spouse, one partner in a civil union couple, parent or child, the employee must submit an approved medical certification completed and signed by a health care provider. If the medical certification is not timely submitted, the board may deny the leave. The board has the right to require periodic re-

FAMILY MEDICAL LEAVE (continued)

certifications from the health care provider. The board also may require, at its expense that the employee submit to a medical examination by a health care provider designated by the board concerning the information stated in the medical certification. If the second opinion differs from the first opinion, the board may require that the employee obtain a third opinion from a health care provider chosen jointly by the employee and the board at the board's expense. The third opinion shall be final and binding.

Exhaustion of Paid Leave

An approved leave of absence under the FMLA and the NJFLA is unpaid leave. Where applicable, all leaves shall be counted and run concurrently with leave granted in accordance with the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., (FMLA) and the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et seq., (NJFLA).

Paid leave time does not accrue during unpaid FMLA and NJFLA leave. Similarly, holidays occurring during an FMLA or NJFLA leave of absence will not be paid.

Time taken off by an employee due to an on-the-job injury which is covered by workers' compensation will be charged as FMLA leave. This means that an employee's FMLA 12 workweek entitlement runs concurrently with every absence covered by disability.

Continuation of Benefits

During FMLA and NJFLA leave, the board will continue group health care benefits at the level and under the conditions that coverage was provided prior to the commencement of leave. If an employee out on FMLA and/or NJFLA leave normally pays a portion of the premiums for health insurance coverage, these payments will continue during the period of leave. Health insurance coverage will terminate if the employee's premium payment is more than thirty (30) days late. The board will advise employees at least fifteen (15) days prior to termination of coverage. The board retains the right to recover health insurance premiums that it has paid for an employee on leave if the employee fails to return to work, unless the employee does not return because of (a) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave, or (b) other circumstances beyond the employee's control.

An employee on an unpaid leave of absence is entitled to retain those employment benefits accrued at the time leave was taken. However, additional employment benefits, such as seniority, will not accrue during leave as provided by law.

Spouses Employed by the Board

If a husband and wife are both employed by the board, the aggregate number of workweeks of FMLA leave to which both employees are entitled may be limited to 12 workweeks during any 12 month period if the leave is due to the birth or adoption of a child or to care for a parent who has a serious health condition.

Return from Leave

The board may require an employee on leave to periodically report on whether he or she plans to return to work. If the employee wishes to return to work prior to the expiration of the approved leave, the employee must give notice to the superintendent or his/her designee at least five working days prior to the planned return. Additionally, if the employee wishes to return to work later than the expiration of the approved leave, the employee must give notice to the superintendent or his/her designee at least five working days prior to the date the approved leave was scheduled to conclude. The employee may be permitted to return to work prior to the expiration of the leave if the superintendent or his/her designee determines that it will not cause an undue hardship to the board.

If FMLA leave was taken because of an employee's own serious health condition, the board may require that the employee provide a certificate from his or her treating health care provider which states that the employee is able to resume working.

FAMILY MEDICAL LEAVE (continued)

If the employee does not return to work at the expiration of an approved leave, the employee will be considered to have voluntarily resigned his or her employment with the board.

Restoration to Position

When an employee returns from leave, the employee will be restored to the same or to an equivalent position, with equivalent pay and benefits to the extent required by law. However, in no event shall the board be obligated to extend a non-tenured employee's unpaid leave of absence beyond the contract year for which the employee is employed. Additionally, an employee is not entitled to restoration to a position or an equivalent position where that employee would not otherwise be employed at the time reinstatement is requested (e.g., expiration of contract, layoff). The board can also deny restoration where an employee is unable to work at the conclusion of the 12-week leave period or where an employee gives an unequivocal notice of his or her intent not to return to work after FMLA/NJFLA leave.

Coordination of FMLA and NJFLA Leaves

If an employee's leave qualifies under both the FMLA and the NJFLA, the leave used will be counted against the employee's entitlement under both laws. For example, if an employee takes 12 workweeks of leave because of the birth of a child, the 12 workweeks will be counted against both the employee's FMLA and NJFLA entitlement. It shall be the responsibility of the employee to keep track of days used, it shall not be the responsibility of the district.

No Retaliation

No employee shall be retaliated against for having exercised his or her rights under the FMLA and/or the NJFLA nor shall they be discouraged from the use of family and medical leave.

Employee Acknowledgement

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment by signing an acknowledgement form.

Adopted: November 17, 1988, November 14, 2018
 NJSBA Review/Update: March 2022
 Adopted: November 9, 2022

Key Words

Family Leave, Disability, Birth, Adoption, Family Illness, Consecutive Leave, Intermittent Leave

Legal References: N.J.S.A. 34:11B-1 et seq. Family Leave Act

29 U.S.C. 2601 et seq.

29 C.F.R. 825.200 et seq.

P.L. 2008, c. 17, Family Temporary Disability Leave

P.L. 2019, c. 37, concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave, amending various parts of the statutory law and supplementing P.L.1948, c.100

Possible

Cross References: *4151/4251 Attendance patterns
 *4151.1/4251.1 Personal illness and injury/health and hardship

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

FAMILY LEAVE AND MEDICAL LEAVE
PROCEDURES FOR MILITARY FAMILY LEAVE

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a service member with a serious injury or illness if the employee is the service member's spouse, son, daughter, parent or next of kin.

Qualifying Exigency Leave

A. A covered employer must grant an eligible employee up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. Covered active duty means:

1. For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
2. For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

B. Qualifying exigencies for which an employee may take FMLA leave include:

1. Making alternative child care arrangements for a child of the deployed military member;
2. Attending certain military ceremonies and briefings; or
3. Making financial or legal arrangements to address the military member's absence.

C. If the military member is on covered active duty, the employee may take FMLA leave for the following qualifying exigencies:

1. Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment;
2. Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment;
3. Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility;
4. Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers;
5. Making or updating financial and legal arrangements to address a military member's absence while on covered active duty;
6. Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is

MILITARY FAMILY LEAVE (regulation continued)

- provided by someone other than a health care provider;
- 7. Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave;
- 8. Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral;
- 9. Any other event that the employee and employer agree is a qualifying exigency.

Military Caregiver Leave

An eligible employee may receive up to a total of 26 workweeks of unpaid, job-protected leave during a single 12-month period to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member.

When a service member designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the service member's only FMLA next of kin. When a current service member has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the service member, all such family members are considered the service member's next of kin and may take FMLA leave to provide care to the service member.

A. Single 12-Month Period

- 1. The single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons;
- 2. An eligible employee is limited to a *combined* total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military caregiver leave. For example, if an employee uses 10 weeks of FMLA leave for his or her own serious health condition during the single 12-month period, the employee has up to 16 weeks of FMLA leave left for military caregiver leave;
- 3. Military caregiver leave is available to an eligible employee once per service member, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same service member if he or she has another serious injury or illness. For example, if an eligible employee takes military caregiver leave to care for a current service member who sustained severe burns, the employee would be entitled to an additional 26 weeks of caregiver leave in a different 12-month period if the same service member is later diagnosed with a traumatic brain injury that was incurred in the same incident as the burns;
- 4. An eligible employee may also take military caregiver leave to care for more than one current service member or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current service member and when the family member is a veteran.

B. A covered service member is either:

- 1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness. For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties; or
- 2. A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his

MILITARY FAMILY LEAVE (regulation continued)

or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty;

Military Caregiver Leave: Specific Criteria for Veterans

- A. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness is a covered veteran if he or she:
1. Was a member of the Armed Forces (including a member of the National Guard or Reserves);
 2. Was discharged or released under conditions other than dishonorable; and
 3. Was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

For a veteran who was discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. For example, if a service member retired on October 28, 2007, he or she would have had three years remaining of the five-year period on October 28, 2009. The family member requesting FMLA leave will have three years to begin military caregiver leave starting on March 8, 2013. Likewise, if a service member was discharged on December 1, 2010, the five-year period will begin on March 8, 2013 and extend until March 8, 2018.

- B. A serious injury or illness means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:
1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; *or*
 2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*
 3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
 4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

NJSBA Review/Update: August 2021
 Adopted: November 9, 2022

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4151/4251

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

ATTENDANCE PATTERNS

The Salem City Board of Education believes that the regular presence of assigned personnel is vital to the success of the district's educational program. Consistent absenteeism or tardiness is unacceptable and subject to disciplinary action.

The superintendent shall develop and the board shall adopt a plan to encourage all staff to strive for excellent attendance and punctuality records. These procedures should include a requirement that the staff member personally report all illnesses and request all leave at the earliest possible time. Procedures shall be in accordance with New Jersey statutes and district negotiated contracts.

It shall be the policy of the Salem City Board of Education that all employees of the district are expected to be at their assigned area of responsibility and be ready to perform their required duties on time. Employees may not leave school early or during periods other than lunchtime, without authorization by an Administrator.

Unexcused absence, tardiness, or leaving the area of assigned responsibility without authorization, may subject the employee to progressive disciplinary action by the Salem City Board of Education.

Employees absent for 3 or more consecutive days shall provide a certificate as to the absence upon their return to work.

The superintendent shall report on staff attendance and punctuality at every regular monthly board meeting.

Provisions shall be made for public acknowledgment of outstanding staff attendance records.

Adopted: December 12, 1991, June 12, 2002, June 6, 2007, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Employee Attendance, Attendance Patterns, Attendance

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
	<u>N.J.S.A.</u> 18A:30-1 <u>et seq.</u>	Sick Leave
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Montville Education Ass'n v. Montville Bd. of Ed., 1984 S.L.D. 550, rev'd St. Bd. 1984 S.L.D. 559, rev'd App. Div., unreported decision (docket no. A-1178-84T7, decided December 6, 1985) 1985 S.L.D. 1972, decision on remand, St. Bd., 1986 S.L.D. 3113

Burlington Educational Ass'n v. Burlington Bd. of Ed., 1985 S.L.D. 889, aff'd St. Bd. 1985 S.L.D. 912

Scotch Plains-Fanwood Board of Education v. Scotch Plains-Fanwood Education Association, 270 NJ Super 444 (App. Div. 1994); rev'd. 139 NJ 141 (1995)

ATTENDANCE PATTERNS (continued)

Possible

<u>Cross References:</u>	4150	Leaves
	*4151.1/4251.1	Personal illness and injury/health and hardship
	4151.6	Religious observance
	4151.7	Emergency/personal
	*4251	Attendance patterns

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4151.1/4251.1

Policy

 Monitored
 Mandated
 X **Other Reasons**

PERSONAL, ILLNESS AND INJURY/HEALTH AND HARDSHIP

It is the policy of the Salem City Board of Education to provide sick leave and personal leave to school district personnel. The purpose of such sick leave is to provide income protection to school personnel in the event of illness. The purpose of personal leave is to allow for absence from work, with pay, to take care of personal matters that must be done during the school day.

The Salem City Board of Education expects all employees to be at their assigned area of responsibility and ready to perform their required duties on time and to adhere to the policy of the Board regarding unauthorized absence from school property during work hours. Employees violating this policy by leaving school early or during periods other than lunchtime, without authorization by an Administrator, shall be subject to disciplinary action.

Earned Sick Leave

The Salem City Board of Education shall grant sick leave, in accordance with law, to staff members absent from work because of personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days negotiated with the employee's majority representative or provided in this policy or in an individual contract with the board.

School personnel are expected to use sick leave and personal leave for the purpose that these benefits are provided. Excessive absence from work or illness or other reasons may constitute good cause for withholding a salary increment or for dismissal proceedings under New Jersey statutes.

Definitions

For the purposes of this policy, the following definitions shall apply:

- A. Employer shall be defined as an individual or organization other than a public employer that is required to provide its employees with sick leave with full pay pursuant to any other law, rule, or regulation of the state;
- B. Employee shall be defined as an individual other than a public employee who is provided sick leave with full pay;
- C. Family members shall be defined to mean a child, (biological, adopted, or foster child; stepchild; legal ward; child of a domestic partner or civil union partner), grandchild, sibling, spouse, domestic partner or civil union partner, parent, grandparent, spouse, domestic partner, or civil union partner of an employee's parent or grandparent sibling of an employee's spouse, domestic partner, or civil union partner, any other individual related by blood to the employee any individual whose close association with the employee is the equivalent of family;
- D. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in hours, or any other adverse employment action against an employee for exercising or attempting to exercise any right guaranteed under the law.

Basis

In accordance with the provisions of N.J.S.A. 18A:30-2 all persons who are "steadily employed" by the district shall receive sick leave with full pay pursuant to any other law, rule, or regulation of the state. The district

PERSONAL, ILLNESS AND INJURY/HEALTH AND HARDSHIP (continued)

must provide up to a total of 40 hours of earned sick leave every benefit year at the accrued rate of one (1) hour for every thirty (30) hours worked, up to a maximum of (forty) 40 hours of leave per benefit year. Alternatively, the district may, but is not required to provide employees with (forty) 40 hours of earned sick leave up front.

Regulations

Employees may begin using earned sick leave accrued under this law on February 26, 2019, or the 120th calendar day after the commencement of employment, whichever is later. However, the district may, but is not required to, provide benefits that are more generous than those required under the law, and may, but is not required to, permit covered employees to use sick leave at an earlier date.

Acceptable Reasons to Use Earned Sick Leave

Covered employees may use earned sick leave to take time off from work when:

- A. They need diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or they need preventive medical care;
- B. They need to care for a family member during diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or their family member needs preventive medical care;
- C. The covered employee or a family member have been the victim of domestic violence or sexual violence and need time for treatment, counseling, or to prepare for legal proceedings;
- D. The covered employee needs to attend school-related conferences, meetings, or events regarding his/her child's education; or to attend a school-related meeting regarding his/her child's health;
- E. The covered employee's employer's business closes due to a public health emergency or the covered employee needs to care for a child whose school or child care provider closed due to a public health emergency.

Advance Notice

If the covered employee's need for earned sick leave is foreseeable (can be planned in advance), the district may require up to 7 days' advance notice of the covered employee's intention to use earned sick leave.

If the covered employee's need for earned sick leave is unforeseeable (cannot be planned in advance), the covered employee's employer may require the employee to give notice as soon as it is practical.

Documentation

The district may require reasonable documentation if the employee uses earned sick leave on 3 or more consecutive work days, or on certain dates specified by the employer. The law prohibits the district from requiring the employee's health care provider to specify the medical reason for said leave.

Unused Sick Leave

Up to 40 hours of unused earned sick leave can be carried over into the next benefit year. However, the district is only required to permit the employee use up to 40 hours of leave per benefit year. Alternatively, the district may, but not is not required to offer to purchase your unused earned sick leave at the end of the benefit year.

Freedom from Retaliation for Using Earned Sick Leave

PERSONAL, ILLNESS AND INJURY/HEALTH AND HARDSHIP (continued)

The district may not retaliate against the covered employee for requesting and using earned sick leave, filing a complaint for alleged violations of the law, communicating with any person, including co-workers, about any violation of the law, participating in an investigation regarding an alleged violation of the law, and/or informing another person of that person's potential rights under the law. As a public employer that has not received a blanket exemption from the law (Earned Sick Leave Law), the district is required to comply with the provisions of the Earned Sick Leave Law for those employees who are not provided with sick leave at full pay. The following individuals may be covered under the Earned Sick Leave Law and be entitled to earned sick law:

- A. Substitutes;
- B. Short-term seasonal employees;
- C. Coaches and extra-curricular advisors;
- D. Teachers working additional hours in an after-school program or activity, on call hourly employees;
- E. Home instructors; and,
- F. Other individuals who have not received paid sick time under N.J.S.A. 18A:30-2.

Compliance with the Earned Sick Leave Law may require extensive tracking of work time for these individuals, including a more lenient use of sick days under the new law including payment of unused earned sick time

The superintendent and administrative staff shall develop appropriate guidelines and plans for the implementation of this policy. Such guidelines and plans shall include, but not be limited to, the following:

- A. Plans to communicate to school district personnel the intent of sick leave and personal leave and the importance of regular attendance;
- B. A system of record keeping to account for sick leave and personal days to include monthly and annual reports;
- C. A system for monitoring absence for sick leave and personal leave to prevent abuses;
- D. When appropriate to the circumstances, requesting school district staff to submit information concerning the cause of absence after three consecutive days of absence;
- E. When appropriate to the circumstances following an illness, to request a statement from a physician that the employee may return to work. The board will consider requests for extension of sick leave benefits on a case-by-case basis.

The board reserves the right to require of any employee who claims sick leave, sufficient proof, including a physician's certification, of the employee's illness or disability. As a minimum, no day will be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, has participated in a work stoppage, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

The superintendent will prepare rules for the administration of the board's policy on sick leave, which shall be binding on all employees.

The chief school administrator will submit to the board the names of those employees absent for non-compensable cause or whose claim for sick leave pay cannot be justified. The willful misuse of sick leave will be considered a serious infraction and is subject to discipline

PERSONAL, ILLNESS AND INJURY/HEALTH AND HARDSHIP (continued)

Adopted: May 1, 2019
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Leaves, Sick Leave, Attendance, Attendance Patterns, Employee Attendance

Legal References: N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:6-66 Rights and benefits of personnel (educational services commission)
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement ...
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.
N.J.S.A. 18A:30-1 Definition of sick leave
N.J.S.A. 18A:30-2 Sick leave allowable
N.J.S.A. 18A:30-6 Prolonged absence beyond sick leave period
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations
Ramsey Teachers Ass'n v. Ramsey Bd. of Ed., 1979 S.L.D. 862, St. Bd. rev'g 1978 S.L.D. 518, aff'd App. Div., 1980 S.L.D. 1528
Cole v. Essex County Vocational School District Bd. of Ed., 1986 S.L.D. 1855

Possible

Cross References: 4150/4150 Leaves
 *4151/4151 Attendance patterns

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

JURY DUTY

The Salem City Board of Education will indemnify all employees against loss of pay occasioned by jury duty. No employee serving on a panel of grand or petit jurors shall be penalized in any way for an absence due to jury service, will not be required to use personal time, and time served on the jury will count as school district service. Employees called for jury duty will receive full pay, less any remuneration received from the court.

Employees shall be required to promptly notify the principal, supervisor or designee when they receive a call to serve jury duty. The superintendent may attempt to have an employee excused from jury duty if the employee is required for the continuing operations of the district. The superintendent shall provide the employee with a letter indicating the lack of availability of a substitute in such incidents and the employee may seek an excuse or deferment of service from the assignment judge.

Each day while on jury duty an employee shall notify the principal, supervisor or designee of their schedule for the following day and must report to work when excused or on reserve for a day or more or suffer loss of pay. The time spent on jury duty shall not be charged against personal leave and shall count as time on the job. At the completion of each day's appearance the employee shall secure written verification from the jury clerk of the employee's attendance.

Adopted: November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Word

Jury Duty, Court

<u>Legal Reference:</u>	<u>N.J.S.A. 2B:20-16</u> <u>N.J.S.A. 2B:20-17</u>	Excuse from employment for jury duty; compensation Employment protection
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Possible

<u>Cross References:</u>	2130	Principal evaluation
	*2131	Superintendent
	4000	Concepts and roles in personnel
	*4115	Supervision
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.6/4212.6	Personnel records
	*4151/4251	Attendance patterns
	*4215	Supervision

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

RECRUITMENT, SELECTION AND HIRING

The Salem City Board of Education guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of the district. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

The superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

The board of education shall appoint all staff members only from nominations made by the superintendent. All appointments shall be by recorded roll call majority vote of the full membership of the board. The superintendent shall adhere to the following in recruiting and interviewing candidates:

- A. There will be no discrimination in the employment process in regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, nationality, disability, or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job;
- B. All candidates must have training and/or actual work experience in the vacant position, and an acceptable level of proficiency; and
- C. It shall be the duty of the superintendent or designee to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check and proof of citizenship or eligible alien status.

The superintendent is responsible for the preparation and maintenance of job descriptions that define the duties, responsibilities and qualifications required for each support position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The employment of any candidate is not official until the contract is approved by the board of education and signed by the candidate. It shall be the responsibility of the superintendent to communicate this fact to all candidates.

Residency Requirements

Every employee hired by the board shall have their principal residence within the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and

RECRUITMENT, SELECTION AND HIRING (continued)

C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence caused by accepting a new appointment within the district shall not be considered a break in public service;
- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Reporting of Arrests, Charges and Indictments

All staff members who are charged, arrested or indicted for a crime or offense must submit a report to the superintendent of the charge, arrest or indictment, including (but not limited to) disorderly persons offenses and drunk driving arrests. This reporting requirement pertains to both in-state and out-of-state offenses and crimes. The employee will make the report within fourteen (14) days. The staff member shall also report the disposition of any charges within seven (7) days of the disposition. Failure to report arrests, charges and indictment may result in disciplinary action up to and including termination of employment.

The superintendent will make these requirements known to all new employees and to all employees on an annual basis.

Employment History - Definitions

For the purpose of this policy:

- A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; 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 (see also board policy 5141.4 Missing, Abused and Neglected Children);
- B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a 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.

RECRUITMENT, SELECTION AND HIRING (continued)Required Disclosure of Employment History

The board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

- A. A list, including name, address, telephone number and other relevant contact information of the applicant's:
 - 1. Current employer;
 - 2. All former employers within the last 20 years that were schools; and
 - 3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;
- B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;
- C. A written statement as to whether the applicant:
 - 1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
 - 2. 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;
 - 3. 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.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and 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 New Jersey Department of Children and Families. This is not required if 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.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law

RECRUITMENT, SELECTION AND HIRING (continued)

(N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall 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 the district to report suspected child abuse or sexual misconduct to the appropriate authorities;
- C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

- A. The applicant has complied and provided the information requested;
- B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and
- C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

Information received about an applicant's employment history shall not be a public record.

Adopted:	June 6, 2007, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

RECRUITMENT, SELECTION AND HIRING (continued)Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

<u>Legal References:</u>	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:3-15.2	Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
	<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A.</u> 18A:6-7.6	Employees; qualifications; discrimination, prohibitions
	through <u>N.J.S.A.</u> 18A:6-7.13	
	<u>N.J.S.A.</u> 18A:6-76.1	Deadline for notification to students of requirements of provisional certificate and induction program
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:13-40	General powers and duties of board of newly created regional districts
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:26-1, -1.1, -2	Citizenship of teachers, etc.
	<u>N.J.S.A.</u> 18A:27-1 <u>et seq.</u>	Employment and Contracts
	See particularly:	
	<u>N.J.S.A.</u> 18A:27-4.1	
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	<u>Domestic Partnership Act</u>
	<u>N.J.S.A.</u> 52:14-7	Residency Requirements
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	See particularly:	
	<u>N.J.A.C.</u> 6A:7-1.4,-1.8	
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-4.1	Employment of teaching staff
	<u>N.J.A.C.</u> 6A:32-5.1	Standards for determining seniority

P.L. 2018, c.5 – regarding requirements for employment history review for child abuse and sexual misconduct.

P.L. 2018, c.9 – regarding unlawful employment practices with respect to discrimination in compensation or in the financial terms and conditions of employment

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

RECRUITMENT, SELECTION AND HIRING (continued)

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4/4212.4	Employee health
	4112.5/4212.5	Criminal history check
	*4112.6/4212.6	Personnel records
	*4112.8/4212.8	Nepotism
	*4121	Substitute teachers
	*4222	Noninstructional aides
	*5120	Assessment of individual needs
	*6010	Goals and objectives

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4215

 X **Monitored**

 Mandated

 X **Other Reasons**

Policy

SUPERVISION

The superintendent shall ensure development of procedures for observation and supervision of all employees so that optimum support is provided for the educational program.

Such observation and supervision shall not be limited to that which is required for effective performance evaluation.

In order to enhance the skills of inexperienced staff members or employees in need of training, and assist novice staff members or employees in need of training in adjusting to the challenges of their individual roles, the Salem City Board of Education may authorize and/or require that newly-hired staff members or staff members in need of training be assigned a mentor to assist them in transitioning into their new roles as staff members of the Salem City School District.

The Board may provide each newly hired employee or employee in need of training with a mentor (who may be a retired staff member or administrator) who shall provide confidential support and guidance to the newly-hired staff member or employee in need of training.

This policy shall be distributed to each support staff member at the beginning of his/her employment.

Adopted: June 6, 2007, November 14, 2018

NJSBA Review/Update: March 2022

Readopted: November 9, 2022

Key Words

Support Staff Supervision, Supervision

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *4216 Evaluation
*4231/4231.1 Staff development; inservice education/visitations/conferences

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4216

 X **Monitored**
 Mandated
 X **Other Reasons**

Policy

EVALUATION

The superintendent shall maintain factual personnel records on all support employees and shall direct evaluation procedures.

Before increments for support staff members are approved for succeeding years, administrative and supervisory personnel in the schools shall submit to the superintendent a report on the work and attitude of each employee under their jurisdiction.

The employee's supervisor has the responsibility for seeing that each employee knows the basis upon which he/she is to be evaluated in advance of the evaluation.

Adopted: November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Evaluation, Personnel Evaluation

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:17-2 Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
N.J.S.A. 18A:17-3 Tenure of janitorial employees
N.J.S.A. 18A:38-33 Tenure of attendance officers in city districts

Possible

Cross References: *3510 Operation and maintenance of plant
*3541.33 Transportation safety
*4112.6/4212.6 Personnel records
4117.51/4217.51 Withholding increment
4117.52/4217.52 Dismissal/suspension

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SEPARATION

Resignation

A member of the support staff may resign in good standing by giving the Salem City Board of Education appropriate notice as stated in the employee's contract, unless the appointing authority consents to a shorter notice.

With the exception of retirees, or unless released by the board, an employee who resigns without giving the required notice, shall be held as having resigned not in good standing. Failure to give the required notice may result in the loss of benefits accrued during employment

Separation

Separation may be by resignation, suspension, or by dismissal.

The superintendent or designee may suspend without pay or with reduced pay, fire or demote an employee due to inefficiency, incompetence, misconduct, negligence, insubordination or for other sufficient cause.

The Salem City Board of Education may dismiss a nontenured staff member. Notice of termination will be duly given in writing and will state the reason(s) for dismissal. However, the board reserves the right to terminate a nontenured employee without notice when sufficient cause warrants.

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

Adopted: June 6, 2007, November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Separation, Dismissal, Suspension, Resignation, Resign, Retirement, Retire

Legal Reference: N.J.S.A. 18A:6-10 et seq. Dismissal and Reduction in compensation (tenured staff)
 N.J.S.A. 18A:16-2 Physical examinations; drug testing; requirement
 N.J.S.A. 18A:16-4 Sick leave; dismissal
 N.J.S.A. 18A:17-2 Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
 N.J.S.A. 18A:17-3 Tenure of janitor employees
 N.J.S.A. 18A:27-1 et seq. Employment and Contracts
 N.J.S.A. 18A:27-3.1 Non-tenured teaching staff; observation and evaluation; conference; purpose^[17]_{SEP}
 N.J.S.A. 18A:27-3.2 Teaching staff member; notice of termination; statement of reasons; request; written answer^[17]_{SEP}
 See particularly:
 N.J.S.A. 18A:27-4.1

SEPARATION (continued)

N.J.S.A. 18A:28-8
N.J.S.A. 18A:66-43

Notice of intention to resign required
Retirement for service age limits

Possible**Cross References:**

*4115
*4116
*4117.4/4217.4
*4117.41

Supervision
Evaluation
Reduction in force/abolishing a position
Nonrenewal

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4219.23

Policy

<input type="checkbox"/>	Monitored
<input checked="" type="checkbox"/>	Mandated
<input checked="" type="checkbox"/>	Other Reasons

EMPLOYEE SUBSTANCE ABUSE

General - All Employees

The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action which may include but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance on or in school worksites is prohibited. Any violation may subject an employee to participation in a drug rehabilitation program and disciplinary action including but not limited to nonrenewal, suspension, or termination at the discretion of the board of education.

For the purposes of this policy "worksite" shall include any school building, or any school premises and any school-owned vehicles or any other school-approved vehicle used to transport students to and from school or school activities. Worksite also includes off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.

The Salem City Board of Education, as a result of criminal convictions of any criminal drug statute violation by an employee occurring outside of the worksite, may discipline said employee. Disciplinary action may include, but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

Illegal gambling is not permitted in or on the school worksite.

Smoking by employees in school buildings or on school grounds is prohibited. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy.

The superintendent shall establish a drug-free awareness program which includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this policy to all employees annually. New employees shall be provided with a copy of this policy prior to beginning work assignments.

Work Performance in Connection with a Federal Grant

In order for the school district to qualify for any direct federal grant, the district must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a result of federal grant moneys shall in addition to complying with requirements of the programs shall also be in strict compliance with this policy.

The superintendent shall notify all employees whose work performance is done in connection with a federal grant that they are to notify their respective supervisors of convictions of any criminal drug statute violation occurring in the workplace. Employees must notify their supervisors no later than five days after such conviction. To be in compliance, the district must notify the federal grant program of such conviction within 10 days of receipt of said conviction.

EMPLOYEE SUBSTANCE ABUSE (continued)

Drug and Alcohol Testing

The Salem City School District is committed to the establishment of a drug and alcohol misuse prevention program among school bus drivers that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

In addition to all prohibitions in the first sections of this policy, all employees with commercial drivers' licenses shall be prohibited from:

- A. The use of any controlled substance on or off duty, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance does not adversely affect the employee's ability to safely operate a motor vehicle or perform other safety-sensitive functions;
- B. The misuse of alcohol that could affect performance on the job including use on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function and use during eight hours following an accident.

"Controlled substance" in this policy refers to those covered by the Omnibus Act, including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered applicants and employees shall be subjected to pre-employment or pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment testing shall be administered to an applicant offered a position in the district prior to the first time the employee performs any safety-sensitive function for the district. An applicant who tests positive will not be hired for any safety-sensitive position.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the employee is at work.

An employee covered by the federal regulations may not refuse to take a required test. Consequences for an employee's refusal shall be the same as for a positive result of the test.

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations. Before an employee is reinstated, if at all, the employee shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

The board retains the authority consistent with federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for and performance of the job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving

EMPLOYEE SUBSTANCE ABUSE (continued)

reinstatement, termination or dismissal shall be made in accordance with applicable state law, board policies and negotiated agreements.

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the employee's consent, the district may obtain any of the information concerning drug and alcohol testing from the employee's previous employer. An employee shall be entitled upon written request to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

Records shall be made available to a subsequent employer upon receipt of a written request from an employee, and only on the expressly authorized terms of the employee.

The superintendent shall ensure that supervisors receive proper training to administer the drug and alcohol testing program and those employees receive the notifications required by federal regulations.

Transportation contracts approved by the board shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

Adopted: February 14, 2005, December 12, 2007, December 12, 2018
 NJSBA Review/Update: March 2022
 Readopted: November 9, 2022

Key Words

Smoking; Drinking; Drugs; Smoking Prohibition; Employee Smoking, Drinking, Use of Drugs on School Premises; Drug Testing; Alcohol Testing

Legal References: N.J.S.A. 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
N.J.S.A. 2C:35-1 et seq. Comprehensive Drug Reform Act 1987
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:16-2 Physical examinations; requirement
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.
N.J.S.A. 18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
N.J.A.C. 6A:16-6.3 Reporting students or staff members to law enforcement authorities
N.J.A.C. 6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation

Owner-Operator Indep. Drivers Assoc., Inc. v. Pena, 996 F. 2d 338 (D.C. Cir. 1993)

New Jersey Constitution, Article. IV, Section VII, Paragraph 2

Anti-Drug Abuse Act of 1988

EMPLOYEE SUBSTANCE ABUSE (continued)Drug-Free Workplace Act of 1988

34 C.F.R. Part 85.100, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)

42 U.S.C.A. § 31306 et seq. - Alcohol and Controlled Substances Testing

49 C.F.R. Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 C.F.R. Part 382 - Controlled Substance and Alcohol Use and Testing

49 C.F.R. Part 391 - Qualification of drivers

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*1410	Local units
	*3220/3230	State funds; federal funds
	*3515	Smoking prohibition
	*3541.33	Transportation safety
	*4119.23	Employee substance abuse
	*4112.4/4212.4	Employee health
	*4112.6/4212.6	Personnel records
	4217.50	Standards for staff discipline
	*5131.6	Drugs, alcohol, tobacco (substance abuse)

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

NONINSTRUCTIONAL AIDES

The Salem City Board of Education, within its financial means, may hire aides as recommended by the superintendent.

It is the responsibility of the classroom teacher to plan for any teacher aide's constructive involvement with the class. The primary benefit must be to the students.

Lunchroom and playground aides shall be under the supervision of appropriate certified personnel.

The superintendent shall submit statements of assurance affirming that all paraprofessional staff hired were employed as instructional or health and safety personnel or in accordance with the requirements of individualized education programs. The statements of assurance shall be submitted biannually to the executive county superintendent no later than September 30 and January 31. All noninstructional aides shall be required to comply with the provisions of the law regarding health examinations and criminal history checks.

On or before May 15 in each year, a paraprofessional continuously employed since the preceding September 30 in a school district that receives funding under Title I of the federal Elementary and Secondary Education Act of 1965 shall receive either:

- A. A written offer of a contract for employment for the next succeeding year providing for at least the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education; or
- B. A written notice that such employment will not be offered.

Any reduction in force of Instructional aides shall be a result of insufficient funds and made on the basis of seniority. Any reduction of non-instructional aides shall be based on seniority in assignment.

Adopted: November 14, 2018
NJSBA Review/Update: March 2022
Readopted: November 9, 2022

Key Words

Aides, Noninstructional Aides, Background Check, Personnel Background Check

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-7.1 through -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; requirement
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-4.2	Approval of paraprofessional staff

NONINSTRUCTIONAL AIDES (continued)N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986**Possible**

<u>Cross References:</u>	*3541.1	Transportation routes and services
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4215	Supervision
	*4216	Evaluation
	4221	Noninstructional substitutes
	*6162.4	Community resources

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 4231/4231.1

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

Policy

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Salem City Board of Education recognizes that the skills required of support staff members change with changing technology. In order to ensure both optimum efficiency in district operations, and the continued growth in expertise of the staff, the superintendent shall ensure that appropriate programs of inservice training shall be developed for support staff as necessary.

The superintendent may recommend to the board the granting of leave for attendance of personnel at state, regional, and national job-related meetings without pay deduction and with expenses paid by the school system according to established allowances.

Achievement Gap and Inequity

The board shall on a continuing basis, provide professional development training for all school personnel (certified and noncertified) to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice. Parents/guardians and other community members shall be invited to participate in the professional development training. Newly hired certified and noncertified staff shall be provided professional development training on educational equity issues within the first year of employment.

Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, harassment, intimidation and bullying, handling blood and body fluids, possible hazardous substances in the workplace, crisis response, school violence and other topics specifically required by federal or New Jersey law.

Adopted:	June 6, 2007, November 14, 2018
NJSBA Review/Update:	March 2022
Readopted:	November 9, 2022

Key Words

Staff Development; Inservice; Visitations; Conferences

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries
	<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
	<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum; availability
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:40A-3a, -18c	
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 34:5A-10	Retention or workplace surveys
	<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification of instructors

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

<u>N.J.A.C.</u> 6A:7-1.6	Professional development
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	
<u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>	Reporting Allegations of Child Abuse and Neglect
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4215	Supervision
	*4216	Evaluation
	4233	Travel/reimbursement
	*5131	Conduct and discipline
	*5131.1	Harassment, intimidation and bullying
	*5141	Health
	*5141.4	Child abuse and neglect

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

COMPENSATION AND RELATED BENEFITS

Vacation

Language in any employee's collective bargaining agreement takes precedence over language in this policy. Employees whose positions are for twelve months are entitled to vacation time. Positions that are shorter than twelve months do not accrue vacation time. Vacation time is accruable monthly at a rate of 1/12 of the annual vacation rate, which depends upon time of service and/or position.

With the approval of the superintendent, a newly hired twelve-month administrative employee may utilize up to half the allotment of vacation days during the first six months of employment before these days have accrued. If the employee departs the district before earning these days, the value of these days will be deducted from the final paycheck.

The vacation accrual year is from July 1st to June 30th. Employees may additionally bank up to one year's accrued vacation days. Employees have until December 31st to use any vacation days in excess of the permissible, bankable days recorded on June 30th. Any days in excess of the permissible, bankable days recorded on June 30 not used by December 31st shall be forfeited.

Employees whose employment is terminated are entitled either to payment or to use of annual banked vacation days, if any, plus any vacation days accrued during the last school year of employment. Employees whose employment is terminated, who have taken vacation time in advance, will be docked for any days not accrued.

Employees whose service is broken may have previous service in Salem City Schools credited for annual entitlement.

Use of vacation days must be previously approved by an employee's immediate supervisor to insure continuity of school operations.

Total accumulated vacation and sick leave for each employee of the district will be reported to the Salem City Board of Education at the January and July Board Meeting.

Overtime

The Salem City Board of Education shall comply with NJ State Laws in providing compensation for overtime for nonexempt personnel.

An employee shall not perform overtime work or be compensated for overtime work without the prior approval of the superintendent or designee. Overtime will be paid at the rate of 1 1/2 times the employee's regular hourly rate for time worked in excess of 40 hours per week, or as noted in the applicable collective bargaining agreement. For the purpose of computing overtime, credit toward the attainment of 40 hours shall be given only for hours worked or compensated time off.

Health Insurance

It shall be the policy of the Salem City Board of Education to provide a health insurance program for full-time, permanent employees in all classifications who are not represented by recognized bargaining groups comparable with those established by the Salem City Board of Education/bargaining unit contract.

In addition, the board will permit employees who are on leave of absence without pay to continue enrollment in the health benefits plan, provided that such employees pay the appropriate premiums.

COMPENSATION AND RELATED BENEFITS (continued)

Adopted: April 23, 1996
 Revised: October 28, 2003, September 26, 2006, July 26, 2011, August 19, 2014,
 June 23, 2015, June 27, 2017
 NJSBA Review/Update: December 2019
 Readopted: November 9, 2022

Key Words

Benefits, Vacation Days, Personal Days, Sick Days

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:6-66	Rights and benefits of personnel (educational services commission)
	<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; requirement ...
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
	<u>N.J.S.A.</u> 18A:30-1	Definition of sick leave
	<u>N.J.S.A.</u> 18A:30-2	Sick leave allowable
	<u>N.J.S.A.</u> 18A:30-6	Prolonged absence beyond sick leave period
	<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School Employee Physical Examinations

Possible

<u>Cross References:</u>	*4151/4251	Attendance patterns
	*4151.1/4251.1	Personal illness and injury

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

ROLE OF PARENTS/GUARDIANS

The Salem City Board of Education believes that the education of children is a joint responsibility, one it shares with the parents/ guardians and the school community. To ensure that the best interests of the child are served in this process, a strong program of communication between home and school must be maintained and parental involvement in district concerns encouraged.

The board recognizes the vital role of parents/guardians in the welfare and education of their children and the pivotal part they play in shaping character and values. Because parents/guardians are familiar with the needs, problems, gifts and abilities of their children, staff should seek to involve parents/guardians as much as possible in the planning of the individual program. Parents/guardians must, by law, be included in the development of certain educational programs for their children.

Parents/guardians are requested to keep the school apprised of changes in factors in the home situation which may affect student conduct or performance. Parents/guardians are specifically requested to inform the school of any changes in legal custody of the child.

Parents/guardians are responsible for their child's punctuality, attendance, cleanliness and propriety of dress.

The superintendent shall develop procedures and regulations to implement this policy. These regulations shall include use of the parent/guardian's native language when necessary.

Adopted: December 12, 2018
NJSBA Review/Update: April 2022
Readopted: December 14, 2022

Key Words

Role of Parents/Guardians, Parents/Guardians

Legal References: N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
N.J.S.A. 18A:35-22 Notice to parents that child identified as eligible for enrollment; option of declining enrollment; involvement of parents in program
N.J.A.C. 6A:8-4.3 Accountability
N.J.A.C. 6A:14-1.1 et seq. Special Education
N.J.A.C. 6A:30-1.1et seq. Evaluation of the Performance of School Districts
Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *1220 Ad hoc advisory committees
*1230 School-connected organizations
*1250 Visitors
*5113 Absences and excuses
*5114 Suspension and expulsion
*5120 Assessment of individual needs

ROLE OF PARENTS/GUARDIANS (continued)

*5124	Reporting to parents/guardians
*5125	Student records
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147.1	Evaluation of individual student performance
*6162.4	Community resources
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

ADMISSION

Eligibility

The Salem City Board of Education will admit children of school age who reside in this district and will admit other children in accordance with law and this policy. The Board reserves the right to verify the residency or anticipated residency of any person who claims eligibility for enrollment.

Resident Pupils

Resident pupils shall be provided a free education between the ages of three and eighteen except that the district shall provide for children identified as requiring special education from age three to twenty-one years of age.

Resident pupils are defined as:

- A. Any person who is domiciled within the school district who is over the age of three and under the age of eighteen.
- B. If the Superintendent finds that the parent(s) or legal guardian(s) of a child who is attending the schools of the district is not domiciled within the district and the child is not kept in the home of another person domiciled within the school district and supported by them gratis, the Superintendent may apply to the Board for the removal of the child. The parent(s) or legal guardian(s) shall be entitled to a hearing before the Board and if in the judgment of the Board the parent(s) or legal guardian(s) is not domiciled within the district or the child is not kept in the home of another person domiciled within the school district and supported by them gratis as if the child was the person's own child as provided for in the law, the Board may order the transfer or removal of the child from school.
- C. The parent(s) or legal guardian(s) may contest the Board's decision before the Commissioner within twenty-one days of the date of the decision and shall be entitled to an expedited hearing before the Commissioner and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the criteria provided in the law. The Board shall, at the time of its decision, notify the parent(s) or legal guardian(s) in writing of his/her right to contest the decision within twenty-one days.
- D. No child shall be removed from school during the twenty- one-day period in which the parent(s) or legal guardian(s) may contest the Board's decision or during the pendency of the proceedings before the Commissioner. If in the judgment of the Commissioner the evidence does not support the claim of the parent(s) or legal guardian(s), the Commissioner shall assess the parent(s) or legal guardian(s) tuition for the student prorated to the time of the student's ineligible attendance in the schools of the district.

Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the Commissioner are enforced. Nothing shall preclude a Board from collecting tuition from the parent(s) or legal guardian(s) for a student's period of ineligible attendance in the schools of the district where the issue is not appealed to the Commissioner.

The following pupils shall be deemed to be domiciled in the school district:

1. Any pupil whose parent(s) or legal guardian(s) resides in the district;

ADMISSION (continued)

2. Any pupil for whom the New Jersey Division of Child Protection & Permanency (DCP&P) in the Department of Human Services is acting as guardian and who is placed in the district by said bureau;
3. Any pupil whose parent(s) or legal guardian(s) moves from one school district to another school district as a result of being homeless and whose district of residence is determined pursuant to NJSA 18A:7B-12.

Joint Custody

When divorced parents/guardians have joint custody of (a) minor child(ren), admission shall be based on the present address of the parent/guardian with whom the child(ren) resided as of the date required by administrative code.

Affidavit Students

When there is any doubt as to whether a child is entitled to free public education in the school district, all procedures of law and code shall be followed.

Proof of Residency

The district may require specific documentation proving the residency of children being enrolled in the district. However, this documentation shall conform to all state and federal requirements and/or restrictions. New Jersey has two requirements that families must meet when attempting to enroll a child in public school: proof of age and proof of in-district residency. Federal and state law and regulations dictate that schools cannot ask about a students' immigration status, or, further, discriminate based on national origin or immigration status. The district shall not request or require photo identification, immigration status, drivers' licenses, Social Security documentation or any other documentation restricted by law.

Students Returning from County Detention

The district shall accept all days of attendance and courses studied by a student at a county juvenile detention center, whether the student is in elementary school, middle school or high school, and apply those days and/or courses toward district requirements including requirements for graduation.

School Choice Program

The Salem City School District shall operate an inter-district school choice program as authorized by NJAC 6A:12.1 et seq. Pupils shall be admitted as authorized by the administrative code.

Placement

Students transferring into the school will be placed in the appropriate classroom by the administration on the basis of records available at the time of enrollment.

If, in the opinion of the classroom teacher, and based on available records, the student exhibits a need for remediation in reading or mathematics, the classroom teacher shall notify the Basic Skills teacher and the administration of the perception with substantiating evidence or reasons.

If the administration concurs in this assessment, the student may be assigned for additional assistance. Within such an assignment, the student may be administered the currently accepted evaluative placement test.

ADMISSION (continued)

Continued and subsequent placement in a regular classroom, or additional assistance, or other referral for special services will be determined by the administration on the basis of these evaluative instructions and professional judgment which shall include teacher perceptions.

If a student transferring into the School has previously been classified and found eligible for Special Education Services, such student's case shall be referred to the Child Study Team. The Child Study Team will review all pertinent reports and data concerning the individual student and, in compliance with the regulation set forth in the administrative code, recommend to the administration the most appropriate educational classification and placement for the student.

In the case of Pre-kindergarten entrance determination or at the direction of the Child Study Team, an appropriate screening instrument(s) may be used as an evaluative instrument.

Preschool

A child is eligible for entrance into preschool who will have attained the age of three years on or before October 1 of the year in which entrance is sought and has not yet attained the age at which admission to Pre-kindergarten is permitted.

Preschool Disabled

A child is eligible for entrance into a program of special education who has attained his/her third birthday and has been found by the Child Study Team to be eligible for a program for the preschool disabled in accordance with rules of the State Board of Education.

Kindergarten

A child is eligible for entrance into Kindergarten who:

- A. Will have attained the age of five years on or before October 1st of the year in which entrance is sought
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

The Board may admit to kindergarten underage children who were properly enrolled in an approved public or private school kindergarten before transferring to this district and need to undertake the kindergarten program.

First Grade

A child is eligible for entrance into first grade who:

- A. Will have attained the age of six years on or before October 1st of the year in which entrance is sought and/or has completed the kindergarten program of this district or an equivalent program elsewhere and has been recommended by the teacher for advancement to the first grade.
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be

ADMISSION (continued)

furnished to the school on the form provided.

A child who has not attended an approved public school kindergarten or a private kindergarten may be similarly admitted with the same birth date provision.

Transfers Into Grades Two through 12

Students transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Within the time prescribed by law, the superintendent shall request in writing from the school or district of previous attendance, the student's records.

Initial placement shall be made on the basis of the records, but adjustment may be made at the discretion of the administration when such adjustments would be beneficial to the child. Parents/guardians shall be informed of this policy on registration.

Nonresidents

The district is obliged to educate children of appropriate age residing in the district. The mere owning of any property whatsoever, does not qualify a parent/guardian to send children to school in this school district. See policy 5118 Nonresidents.

The board shall make this policy available to parents and the public.

Adopted: December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Admission, Resident, Student Records, Affidavit Student, Homeless Student, Student Records, Affidavit Student, Homeless Student

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
	<u>N.J.S.A.</u> 18A:7B-12.1	Homeless child; responsibility for education; determination of placement; payment of costs
	<u>N.J.S.A.</u> 18A:7C	Proficiency standards and assessment
	<u>N.J.S.A.</u> 18A:7C-12	Juvenile detention centers, transfer of credit
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-25.1	Proof of child's identity required for enrollment; transfer of record between districts
	<u>N.J.S.A.</u> 18A:38 <u>et seq.</u>	School attendance
	<u>N.J.S.A.</u> 18A:38-1	Attendance at school free of charge
	<u>N.J.S.A.</u> 18A:38-2	Free attendance at school by nonresidents placed in district under court order
	<u>N.J.S.A.</u> 18A:38-3	Admission for nonresidents; parent active duty
	<u>N.J.S.A.</u> 18A:38-4	Free attendance to persons over age
	<u>N.J.S.A.</u> 18A:38-5	Admission of students under age
	<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race, etc.
	<u>N.J.S.A.</u> 18A:38-6	Time of admission of students; first school year
	<u>N.J.S.A.</u> 18A:38-7.7	Legislative findings and declarations
	<u>N.J.S.A.</u> 18A:38-8	Duty to receive students from other districts

ADMISSION (continued)

<u>N.J.S.A.</u> 18A:38-25	Attendance required of children between six and 16; exceptions
<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
<u>N.J.S.A.</u> 18A:44-1	Establishment of preschool
<u>N.J.S.A.</u> 18A:44-2	Establishment of kindergarten; eligibility for admission
<u>N.J.S.A.</u> 26:1A-9.1	Exemption of students from mandatory immunization
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
<u>N.J.A.C.</u> 6A:12-3.1	Choice district application procedures
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:16-2.2	Required health services
<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Students at Risk of Not Receiving a Public Education
<u>N.J.A.C.</u> 6A:22-1.1 <u>et seq.</u>	Entitlement to Attend School Based on Domicile or Student Residency
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:22-2.1, -3.1, 3.2, 3.3, 3.4	
<u>N.J.A.C.</u> 6A:23A-19.2, -19.3	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
<u>N.J.A.C.</u> 8:57	Communicable diseases
<u>See particularly:</u>	
<u>N.J.A.C.</u> 8:57-2	
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by students or adults infected by Human Immuno-Deficiency Virus (HIV)

Tepper v. Board of Education of the Township Hackensack, Bergen County, 1971 S.L.D. 549

Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.

Plyler v. Doe, 457 U.S. 202 (1982)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div.1999)

Possible

<u>Cross References:</u>	3240	Tuition income
	*5118	Nonresidents
	5119	Transfers
	*5120	Assessment of individual needs
	*5141	Health
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	6142.5	Travel and exchange programs
	*6164.4	Child study team
	*6171.4	Special education
	6174	Summer school
	6178	Early childhood education/preschool

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5113

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Policy

ATTENDANCE, ABSENCES, AND EXCUSES

The board of education believes that the regular attendance of students in each class and in school in general is critical to its educational mission. The district shall endeavor to achieve the ninety percent (90%) attendance rate required by the New Jersey Quality Single Accountability Continuum (NJQSAC). Continuity of instruction is an essential element in student performance and allows students the greatest opportunity to succeed at meeting the state learning standards in the New Jersey Student Learning Standards. The superintendent shall oversee the development of effective strategies that maximize student attendance at all scheduled periods of actual instruction or supervised study activities and strive to:

- A. Encourage good attendance;
- B. Discourage unexcused absences;
- C. Identify patterns of absence, tardiness and early departures from school; and
- D. Intervene to prevent and correct problems with attendance.

Attendance

A day in session for purposes of attendance 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.

A school day shall consist of not less than four hours of actual instruction. One continuous session of two and one-half hours may be considered a full day in kindergarten.

A day of attendance shall be one in which a student is present for the full day under the guidance and direction of a teacher while school is in session. Where there are two sessions in a day due to overcrowding, either session of four hours or more, exclusive of lunch or recess, shall be the equivalent of a full day's attendance.

A student shall be recorded as absent in the school register when not in attendance at a session, except for the following reasons:

- A. Religious observance as defined by law (N.J.A.C. 6A:32-8.3(h));
- B. A college visit (up to 3 days per school year, only for students in grades 11 and 12);
- C. "Take Our Children to Work Day" (pursuant to the [memo](#) issued by the Commissioner to all districts on April 25, 2017) or other rule issued by the Commissioner;
- D. Participation in observance of Veterans Day (N.J.S.A. 18A:36-13.2) or district board of election membership activities (N.J.S.A. 18A: 36-33); or
- E. The closure of a busing district that prevents a student from having transportation to the receiving school.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

An excused absence for any reason other than those listed above shall not be counted as a day of attendance in the school register.

The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with law (N.J.A.C. 6A:32-8.3 School attendance). 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.

A student not present in school because of his or 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.

Excused and Unexcused Absence

- A. An absence shall be considered an "excused absence" for the purpose of determining promotion, retention, truancy, grades, course credit, eligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance, for the following reasons (school district must select options):
1. The student's illness;
 2. Requirements of a student's individual health care plan;
 3. A death or critical illness in the student's immediate family, or of others with permission of principal;
 4. Quarantine;
 5. Observance of the student's religion on a day approved for that purpose by the State Board of Education;
 6. The student's suspension from school;
 7. Requirements of the student's individualized education program (IEP);
 8. Alternate short or long term accommodations for students with disabilities;
 9. The student's required attendance in court;
 10. Interviews with an admissions officer of an educational institution;
 11. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
 12. Such good cause as may be acceptable to the principal.

Attendance need not always be within the school facilities. A student will be considered to be in attendance if he/she is present at any place where school is in session by authority of the board. The board shall consider each student assigned to a program of independent study, with parent/guardian permission, to be in regular attendance for that program, provided that he/she is under the guidance of a staff member so assigned, reports daily or weekly, as prescribed, to such staff member the place in which he/she is conducting his/her study, and regularly demonstrates progress toward the objectives of his/her course of study.

- B. An "unexcused absence" is a student's absence for all or part of a school day for any reason other than those listed as excused absences in "A" above. An unexcused absence may be counted toward retention, truancy, loss of course credit, ineligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance. Absence is expressly not excused for any of the following reasons (this list is intended to be illustrative and is not inclusive):
1. Family travel;
 2. Performance of household or babysitting duties;
 3. Other daytime activities unrelated to the school program;
 4. Leaving school without permission when school is still in session;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

5. Leaving class because of illness and not reporting to the school nurse as directed; or
6. Being present in school but absent from class without approval. Such absence from class is a "class cut."

Tardiness

The orderly conduct of class activity depends upon the prompt and precise beginning of the program. Tardiness hinders the proper conduct of school activity. Students are expected to arrive to school and class on time. A student who is tardy to any class will be subject to disciplinary action as outlined in board policy 5131 Conduct and Discipline and the student code of conduct. Consequences for accumulated occurrences of tardiness may include detention, loss of credit and an unexcused school day absence.

Attendance and Instruction

In order for the board of education to fulfill its responsibility for providing a thorough and efficient education for each student, the complete cooperation of parents/guardians and students is required to maintain a high level of school attendance.

"Chronic absenteeism" is defined in New Jersey's *ESSA* State Plan as the percentage of a school's students who are not present for 10 percent (18 days) or more of the days that they were in membership at a school.

The frequent absence of students from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of students to complete the prescribed curriculum requirements successfully. The following rules shall apply for student absences:

- A. A student shall be considered absent from class for tardiness in excess of one half of the total class period.
- B. A student shall be considered absent from school for participation in less than 4 instructional hours during the school day.
- C. Permitted limits on the number of pupil absences in a school term are as follows:
 - a. In a school year of at least 180 days comprised of two (2) semester – 9 days in a semester or 18 days per year
 - b. In a school year of at least 180 days comprised of three trimester – 6 days in a trimester.

A waiver of these attendance requirements may be granted for good cause by the school principal upon recommendation of a review committee, appointed by the superintendent, and consisting of representative staff, including student service personnel and classroom teachers.

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences rather than only those in excess of the number of days. Documentation of the nature and causes of these absences shall be the responsibility of the student and parent/guardian. The absence of documented parent/guardian notes, doctor's notes, and other records that verify that an absence was excused according to board policy, shall be considered unexcused. Unexcused absences shall count toward truancy and may be subject to loss of grade or course credit toward promotion or graduation and disciplinary actions according to the code of student conduct. Notes from parents/guardians shall be considered but the district may require additional documentation such as doctor's notes or other official records to verify the note.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school in writing of the reason for the absence.

ATTENDANCE, ABSENCES AND EXCUSES (continued)Activities to Enhance Pupil Skills and Knowledge Impacted by Excessive Absences

Pupils may undertake sufficient school-sponsored after-school tutoring within two weeks of the end of a school term to successfully complete the instructional program requirements for the grade/courses to which he/she is assigned.

The school-sponsored after-school tutoring program will consist of two (2) hour sessions on ten (10) consecutive school days following the end of the school term. The goals of these sessions will be to align the skills and knowledge of the pupil more closely with the state required New Jersey Student Standards of skills and knowledge.

Upon the passing of ten school (10) days following the end of a school term, incomplete grades will be processed as currently established in district regulations.

Procedures for Unexcused Absences

When a student fails to report to class or school accumulating up to four unexcused absences, the district shall:

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;
- B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;
- C. Identify in consultation with the student's parents needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
- D. Follow all procedures according to law and board policy 5142 Safety and 5141.4 Child Abuse and Neglect if a potential missing or abused child situation is detected;
- E. Cooperate with law enforcement and other authorities and agencies, as appropriate.

If contact through these means is unsuccessful the district may follow-up with another attempt to contact the parents/guardians or send a letter reporting the unexcused absence and requesting the parent/guardian to contact the school.

Procedures for Persistent Absences

If the pattern of unexcused absences continues and five to nine unexcused absences are accumulated the district shall:

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;
- B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents to address patterns of unexcused absences previously;
- C. Evaluate the appropriateness of action taken as identified in consultation with the student's parents;
- D. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:

ATTENDANCE, ABSENCES AND EXCUSES (continued)

1. Refer or consult with the building's intervention and referral services team;
2. Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
3. Consider an alternate educational placement;
4. Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
5. Refer to the court or a court program as follows:
 - a. When the unexcused absences are determined to be violations of the compulsory education law and board policy;
 - b. When there is evidence of a juvenile-family crisis the student may be referred to Superior Court, Chancery Division, Family Part. "Juvenile-family crisis" pursuant to N.J.S.A. 2A:4A-22(g) means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in a threat to wellbeing and safety of the juvenile, serious conflict regarding the juvenile's conduct, unauthorized absence from home, pattern of unauthorized absence from school, or human trafficking;
6. The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate;
7. Engage the student's family.

Discipline

All discipline regarding the attendance of students shall be consistent with the board policy 5131 Conduct and Discipline and the code of student conduct. Consequences for absences may include:

- A. Students may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth herein;
- B. Students may be denied participation in athletic competition if their attendance fails to meet the standards set forth herein;
- C. Loss of partial or total course credit;
- D. Detention or suspension.

No student who is absent from school for observance of a religious holiday or other excused absence shall be disciplined and/or deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

Students, parents and guardians shall be notified of disciplinary actions for attendance including loss of credit and may appeal this determination through the procedure as set forth in board policy 5145.6 Student Grievance Procedure.

Truancy

For cumulative unexcused absences of 10 or more, the student between the ages of six and 16 is truant, pursuant to law. The district shall:

- A. Make a determination regarding the need for a court referral for the truancy;
- B. Make a reasonable attempt to notify the student's parents of the referral;
- C. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- D. Cooperate with law enforcement and other authorities and agencies, as appropriate;
- E. Follow all procedures required by N.J.S.A. 18A:38-28 through 31, Compelling Attendance at School and other applicable state and federal statutes as follows:
 1. An attendance officer who finds a truant child, shall take the child and deliver him/her to the parent/guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend;
 2. The attendance officer shall examine into all violations and shall warn the child, the parent/guardian or other person having charge and control of the child of the consequences of the violation if persisted in;
 3. The attendance officer shall notify the parent/guardian or other person having charge and control of the child in writing, to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter;
 4. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school;
 5. The sheriff and his officers and all police officers and constables shall assist the attendance officer in the performance of their duties;
 6. A parent, guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than \$ 25.00 for a first offense and not more than \$ 100.00 for each subsequent offense, in the discretion of the court. In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

Unexcused Absences for Students in Special Education

For students with disabilities, the length of the school day and the academic year of programs must be at least as long as that established for nondisabled students (N.J.A.C. 6A:14-4.1(c)). The attendance guidelines, discipline and remedial measures set forth in this policy shall apply to classified students where appropriate and in accordance with the student's:

- A. Individualized education program (IEP);
- B. The Individuals with Disabilities Act (IDEA);
- C. Procedural protections set forth in N.J.A.C. 6A:14;
- D. Alternate short or long term accommodations for students with disabilities as required by law;
- E. Requirements of a student's individualized health care plan and individualized emergency healthcare plan.

The IEP team may make a decision, based on the individual needs of the student, that the student is unable to attend school and should receive special education and related services in a different setting or manner, such as through home instruction, all or part of the time. The decision of the IEP team shall be included in the student's IEP. In such a case, the student should be marked as "present" in the Student Information System (SIS) when he or she is educated in the educational placement(s) set forth in his or her IEP.

District Sending and Receiving Relationships

The receiving school shall report attendance problems to the sending district responsible for the student.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

Following five or more cumulative unexcused absences school officials from the sending district shall proceed in accordance with the sending district's board attendance policy and procedure.

Regular Release of Students Before the End of the Normal School Day

There are varying situations which may justify release of certain students from school before the normal time for closing. Such situations are justifiable only if the release does not jeopardize the student's educational program and the reasons for such release can be shown to have positive benefits for the student.

Late Arrival and Early Dismissal

The board recognizes that from time to time compelling circumstances will require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this district, the board shall require that the school be notified in advance of such absences by written request of the student's parent/guardian, which shall state the reason for the tardiness or early dismissal. Justifiable reasons may include:

- A. Medical or dental appointments which cannot be scheduled outside of school hours;
- B. Requirements of a student's individualized health care plan and individualized emergency healthcare plan;
- C. Requirements of the student's individualized education program (IEP);
- D. Alternate short or long term accommodations for students with disabilities;
- E. Medical disability;
- F. Motor vehicle driver's test;
- G. Interview for college entrance or employment;
- H. Family emergency;
- I. Court appearance;
- J. Such good cause as may be acceptable to the administration.

No student in grades kindergarten through eight shall be permitted to leave the school before the close of the school day unless he/she is met in the school office by his/her parent/guardian or a person authorized by the parent/guardian to act in his/her behalf.

Tardiness not covered by the causes listed shall be cumulative, and may affect course credit.

Legal Custody

A record shall be kept indicating the legal custodian of each student. Such custodian shall be responsible for informing the board of any change in the student's custodian. The principal may take such steps as seem necessary to ensure that the child is released only to the proper legal custodian.

Potentially Missing Children

- A. If daily attendance records indicate a child is absent, and the parent/guardian has not called, a

ATTENDANCE, ABSENCES AND EXCUSES (continued)

designated person shall attempt to contact the parent/guardian;

- B. If no telephone contact can be made, the attendance officer shall investigate;
- C. If the attendance officer cannot locate the child, he/she shall inform the principal, who shall inform the appropriate local authorities;
- D. If a child who was present in the morning is absent after lunch, the same procedure shall be followed.

Marking Missing Child's School Record

Whenever the superintendent receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the superintendent shall supply the record to the requestor without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing student records (see policy 5125 Student Records). After the superintendent has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

Regulations

The superintendent shall develop procedures for the attendance of students including:

- A. The expectations and consequences regarding students' timely arrival of students to school and classes;
- B. The expectations and consequences regarding attendance at school and classes;
- C. A definition of unexcused absence that counts toward truancy that is consistent with the definition of a school day;
- D. School staff responses for unexcused absences for:
 - 1. Cumulative absences up to four;
 - 2. Cumulative absences of between five and nine;
 - 3. Cumulative unexcused absences of 10 or more; and
 - 4. Referral to court.

Dissemination and Implementation

The superintendent shall take all necessary steps to publicize this policy and may include these rules in district handbooks and/or on the district website. Parents/guardians and students shall be notified annually of the attendance policy.

The superintendent shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The board shall review the attendance policy on a regular basis.

Adopted:	December 12, 2018
NJSBA Review/Update:	April 2022
Readopted:	December 14, 2022

Key Words

ATTENDANCE, ABSENCES AND EXCUSES (continued)

Student Attendance, Attendance, Absences and Excuses, Student Attendance

Legal References:	
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
<u>N.J.S.A.</u> 18A:36-13.2	Excused absence for certain students on Veterans Day
<u>N.J.S.A.</u> 18A:36-14, -15, -16	Religious holidays; absence of students on; effect
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:36-24 through -26	Missing children; legislative findings and declarations
<u>N.J.S.A.</u> 18A:36-33	Students serving as district board of election members, excused absence
<u>N.J.S.A.</u> 18A:38-25	Attendance required of children between six and 16; exceptions
<u>N.J.S.A.</u> 18A:38-26	Days when attendance required; exceptions
<u>N.J.S.A.</u> 18A:38-27	Truancy and juvenile delinquency defined
<u>N.J.S.A.</u> 18A:38-28 through -31	Compelling attendance at school
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:38-31	Violations of article by parents or guardians; penalties
<u>N.J.S.A.</u> 18A:38-32	District and county vocational school attendance officers
<u>N.J.S.A.</u> 18A:40-7	Exclusion of students who are ill
<u>N.J.S.A.</u> 18A:40-8	Exclusion of students whose presence is detrimental to health and cleanliness
<u>N.J.S.A.</u> 18A:40-9	Failure of parent to remove cause for exclusion; penalty
<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and students exposed to disease
<u>N.J.S.A.</u> 18A:40-11	Exclusion of students having communicable tuberculosis
<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 52:17B-9.8a through -9.8c	Marking of missing child's school record
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:14-1 <u>et seq.</u>	Special education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:14-4.1(c)	General requirements
<u>N.J.A.C.</u> 6A:16-1 <u>et seq.</u>	Programs to support student development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-7.6	Attendance
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-8.1 <u>et seq.</u>	Student Attendance and Accounting
<u>N.J.A.C.</u> 6A:32-8.3	Student attendance
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by students or adults with HIV infection

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794 (Board may impose penalties for unjustifiable tardiness, improper absences from classes, truancy, and other unexcused absences)

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851 (Board may adopt policy to deny students course credit after a student was late or absent a specified number of times.)

C.R., on behalf of J.R., v. Board of Education of the Scotch Plains-Fanwood Regional

ATTENDANCE, ABSENCES AND EXCUSES (continued)

School District, 1988 S.L.D. (June 22)(board acted unreasonably in applying its attendance policy to student with excessive absences due to chronic medical illness)

Student Attendance Policies and Procedures Compliance Checklist, New Jersey
Department of Education

www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf

Commissioner memo on "Take Our Children to Work Day," April 25, 2017 at:
<https://www.nj.gov/education/broadcasts/2017/APR/25/16343/Instructions%20for%20Recording%20Attendance%20of%20Students%20Who%20Take%20Part%20in%20Take%20Our%20Children%20to%20Work%20Day.pdf>

Jenkins v. Anderson. 191, N.J. (2007)

Possible**Cross References:**

*5020	Role of parents/guardians
*5111	Admission
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5125	Student records
*5141.2	Illness
*5141.4	Child abuse and neglect
*5142	Student safety
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6154	Homework/makeup work
*6171.4	Special education
*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

ATTENDANCE, ABSENCES, AND EXCUSES

Graduation

Regular attendance is required for the successful completion of a course of study and graduation. Pupils are expected to be present in every scheduled class except as their attendance is excused in accordance with Board Policy. A pupil absent from a class scheduled for a course of study more than 9 days on which the class meets shall not receive credit for that course except that a pupil whose absence is excused and has demonstrated the required proficiencies may apply for and receive course credit notwithstanding an excessive number of absences.

Students Below the Compulsory School Age

- A. Upon returning from an absence, a written note from the parent or legal guardian is to be presented to the homeroom teacher. The homeroom teacher will have the student complete an Absence Verification Form.
- B. If a student has been under a doctor's care, a note from the doctor must be presented to the nurse.
- C. If a student is absent five or more consecutive days, a doctor's note must be presented to the nurse.
- D. Students who are absent three or more days because of illness must report to the nurse upon returning to school.
- E. Since students under the age of 16 will be required to bring notes to school after an absence and since these students' absences will be classified excused and unexcused, the limits for unexcused absences will be as follows:
 - 1. Five absences - Letter to parent(s)/legal guardian; conference with student.
 - 2. Ten absences - Five-day notice; parent/student conference with Vice Principal in charge of attendance.
 - 3. Fifteen absences - Signed complaint possible. (Prior to this, letter to parents informing them of referral upon this number of absences).
 - 4. Twenty absences - Second signed complaint.

Students Above the Compulsory School Age

- A. Students will not be required to bring a note after an absence, except in the following instances:
 - 1. If a student has been under a doctor's care, a note from the doctor must be presented to the nurse.
 - 2. If a student is absent five or more consecutive days, a doctor's note must be presented to the nurse.

- B. Students who are absent three or more days because of illness must report to the nurse upon returning to school.
- C. In the place of an absence note, a student must complete an Absence Verification Form.

The Absence Verification Form must be completed and signed by the student in the homeroom immediately upon returning to school.

Attendance Incidents

- A. Five absences - letter to parent(s) or legal guardian(s); conference with student.
- B. Ten incidents parent/student conference; verification form at first level.
- C. Fifteen incidents parent/student conference; verification form at second level.
- D. Twenty incidents - referral to Superintendent of Schools for parent/student conference.
- E. Twenty-five incidents parent/student conference with principal at final incident level to determine disposition. Recommendation to superintendent for recommendation to board for exclusion under Attendance Incident Policy.
 - 1. A one-day absence is equal to one incident.
 - 2. Two latenesses to school are equal to one incident.
 - 3. Two class cuts are equal to one incident.
 - 4. Absences or early release for the reasons listed in regulations of this district will not count as incidents.
 - 5. External Suspension days will not count as incidents.
 - 6. Absences due to pending Child Study Team evaluation will not count as incidents.

Activities

Students participating in any school - sponsored activity must be present in school the day of the scheduled activity. If tardy, they are to report directly to the attendance office for admittance. A student must be present by 10:30 a.m. at the latest and attend all r classes for the remainder of the day. When a school-sponsored activity is scheduled for other than a school day, the above regulation applies to the last day school is in session.

Discipline

Truancies will be handled according to the disciplinary action in the Discipline Policy. Students who cut class will be subject to disciplinary action.

A student who has been suspended either externally or internally must obtain a special pink or green admittance slip before returning to classes. The pink admittance slip is issued by the Vice Principal or Principal after an external suspension and the green admittance slip is issued by the teacher in charge of Internal Suspension after an internal suspension. The student must present the admittance slip to each of his teachers for signature. When all signatures have been obtained, the admittance slip is taken to the attendance office.

Tardiness

Any student arriving late to school will be marked tardy. Students are tardy if not present in homeroom by 7:36 a.m. and if not present in class four minutes after bell sounds for passing.

Students who arrive at school after the homeroom period begins must go directly to the attendance office. Students who fail to do so will be considered absent for the day. Students are required to complete a Lateness Verification Form if they are above the compulsory school age.

Extenuating circumstances shared at the time of the incident by a parent/legal guardian will be considered. Students reporting late to any class without a legitimate excuse will be assigned detention. The detentions are to be served with the classroom teachers. Failure to serve teacher detention will result in referral to the office.

Early Release

Students enrolled in the Salem Public Schools are expected to attend school regularly, promptly, and remain the entire school day. The Salem City Board of Education will consider early release from school for the following reasons:

- A. Illness, which manifested itself after having reported to school.
- B. Verified appointment with medical personnel, physician/ dentist, which cannot be scheduled after school hours.
- C. Driver's test, with verification of appointment.
- D. Any legal appointments verified by the Probation Department, which cannot be scheduled after school hours.
- E. Early release for any other reason shall be determined by the administration.

Students requesting early release for reasons other than those listed must submit a note written by parent and indicating the specific reason(s) for wanting to leave early. (The eighteen- year-old student may write his/her own note but is still subject to confirmation). A phone call from home requesting early release is unacceptable unless it is for a sudden emergency.

Notification

Parents/Guardians and adult students shall be advised of total incidents of absences and tardiness.

SUSPENSION AND EXPULSION

While the Salem Board of Education recognizes that the exclusion of a pupil from the educational program of this district is a severe sanction and the board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to exclude students for violations of school regulations to ensure the good order of the school and to instruct students in the consequences of disruptive behavior.

Students who indulge in disruptive behavior may be suspended or expelled. Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a student;
- C. Actions that constitute a continuing danger to the physical well-being of other students;
- D. Physical assault upon another student, a teacher, a board member or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another student whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other students to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other students or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;

SUSPENSION AND EXPULSION (continued)

S. Harassment, intimidation and bullying.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the superintendent. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

In-school Suspension

The board directs the administration to arrange facilities for in-school suspension whenever possible. Students will be required to occupy themselves with school-related work during such suspensions. No socializing shall be permitted. Students shall be counted as present in school but absent (excused) from individual classes.

General

Students on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except when serious considerations warrant (at the discretion of the administration), every student will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Students under suspension are prohibited from participating in or attending any board approved activity during the period of their suspension. They may not enter the school buildings or grounds of this district without the permission of the superintendent. Any student under suspension who enters the school buildings or grounds without the permission of the superintendent may have the period of suspension extended. The right to continue the suspension or to expel is reserved to the board of education, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other students shall cause a student to be suspended upon the first offense.

Making up Missed Work

Students who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

SUSPENSION AND EXPULSION (continued)

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The superintendent will notify parents/guardians by telephone and promptly send a letter regarding the telephone conversation.

Procedures

The administration shall establish, and the board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all students before a suspension is imposed shall be developed with the advice of the board attorney and shall include at least:

- A. Informing the student of the charges against him/her;
- B. Giving the student a chance to reply to them.

These regulations shall also include safeguards for the dismissal of students suspended from school, procedures for calling a prompt conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of students.

Every effort shall be made to impose each suspension promptly so that the student can be returned to school with a minimum loss of school time and school work.

When the superintendent imposes a suspension, he/she must report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended student may be reinstated by the superintendent before board action.

Each student shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the student or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Students suspended for a period of time longer than a short-term suspension shall be afforded a formal hearing before the board which shall take place not later than the second regular meeting of the board following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The board shall make a decision within five days of the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

The board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended student who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the superintendent, the presence of the student in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such student suspended from the schools of this district shall receive instruction commencing not later than five working days after the suspension occurs, except that the board may, on the recommendation of the superintendent, assign the student to an alternate educational program to meet his/her particular needs (see policy 6172 Alternative Education).

Expulsion

The board will consider expulsion only if:

SUSPENSION AND EXPULSION (continued)

- A. The superintendent along with the staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

The parents/guardians of the student shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the student to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the superintendent.

The child shall remain out of school until either:

- A. An appeal made to the superintendent is decided in the child's favor; or
- B. The appeal (if made) has been denied and the board has met to hear the superintendent's recommendation.

If the board determines that the charges, if true, may warrant expulsion, the board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The student must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross-examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

If a student younger than 18 years of age is expelled, the board shall continue to supply an educational program for him/her.

Implementation

The superintendent shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the board as required on its effectiveness.

The superintendent or designee shall annually evaluate district data regarding short- and long-term suspensions and expulsions and take measures as appropriate to ensure that minority and male students are not disproportionately represented in detentions, suspensions and expulsions.

SUSPENSION AND EXPULSION (continued)

When an alternative educational program is provided for a student identified as disruptive but not disabled, the superintendent shall inform the board.

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Suspension, Expulsion, Student Suspension/Expulsion,

Legal References: N.J.S.A. 2C:12-1 Definition of assault
N.J.A.C. 2C:39-1(f) Definition of firearm
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:37-1 et seq. Discipline of students
See particularly:
N.J.S.A. 18A:37-2.1
 through -2.5, 18A:37-7
 through -12
N.J.S.A. 18A:37-13 et seq. Harassment, intimidation and bullying
N.J.S.A. 18A:40A-1 et seq. Substance abuse
See particularly:
N.J.S.A. 18A:40A-9, -10,
 -11, -12 Zero Tolerance for Guns Act
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.3, -4.3,
 -5.1, -5.5, -5.6, -5.7, 7.1
N.J.A.C. 6A:16-7.2 Short-term suspension
N.J.A.C. 6A:16-7.3 Long-term suspension
N.J.A.C. 6A:16-7.4 Expulsion
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

18 U.S.C.A. 921, Definition of firearm

20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973

P.L. 103-382, Improving America's Schools Act of 1994

Goss v. Lopez, 419 U.S. 565, 581 (1975)

Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)

R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District

Honig v. Doe, 484 U.S. 305 (1988)

SUSPENSION AND EXPULSION (continued)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)

P.L. 2010, c.122 amended N.J.S.A. 18A:37-2 to include harassment, intimidation or bullying as a good cause for suspension or expulsion.

See also Commissioners' Decisions indexed under "Students-Punishment of" in Index to N.J. School Law Decisions

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

D.H. o/b/o/ Minor Child, G.H. v. West Orange Twp. Bd. of Educ., EDU 127-07, Final Decision (April 5, 2007),
<http://www.state.nj.us/education/legal/commissioner/2007/apr/124-07.pdf>

J.G. o/b/o/ J.G. v. Secaucus Bd. of Educ., EDS 9178-03, Final Decision (Feb. 26, 2004),
http://njlaw.rutgers.edu/collections/oal/final/eds09178-03_1.html

Possible**Cross References:**

*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*6154	Homework/makeup work
*6164.2	Guidance services
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs
*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5114

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Exhibit

NOTIFICATION LETTER – SHORT-TERM SUSPENSION

Date:

Dear Parent/Guardian/Adult Student,

Your child has been suspended from _____ School, effective _____(date). The period of suspension shall be for _____ full school days and your child shall be permitted to return to school on _____(date). During the period of suspension your child shall not be allowed on school property, in school buildings or at school activities.

Please be advised that while on suspension, your child is expected to continue to complete classroom and homework assignments. These assignments must be provided to the classroom teacher upon your child's return to the classroom. For additional information or assistance on the completion of these assignments, please contact the classroom teacher or my office.

The specific charges in violation of the district code of student conduct (attached or <https://>) are as follows:

*Note: the specific charges should be consistent with the district code of student conduct and the district code of student conduct should be attached or a link provided. Information below should be transferred from the applicable sections of the most recent revision of the N.J. Dept. of Ed. "Violence Vandalism and Substance Abuse form (VV-SA) Incident Report Form" (E00-00317)

- A. The code of student conduct violation/incident;
- B. The date, time and location of the incident;
- C. Brief description of the incident;
- D. The name of the violation category on the district code of student;
- E. The disciplinary range for the violation category listed on the code of student conduct;
- F. The disciplinary measures assigned for the specific incident.

If you have any questions please contact me.

Sincerely,

Principal, _____ School
Phone
Email

New Jersey law requires that students are entitled to certain “due process rights” before being removed from their educational program. These rights include the following:

Advance notice of the conduct which might subject the student to discipline. This notice was provided to your student in the “Code of Student Conduct” at the beginning of the school year. You may obtain an additional copy by contacting the school’s main office;

An informal conference with a school administrator, to allow your child the opportunity to hear any accusation of misconduct and to respond to any and all accusations. At this meeting, the student will receive a description of behaviors that may result in suspension or expulsion;

The right to receive a description of potential administrative responses to the misconduct, including remedial or disciplinary actions that are based on the severity of the conduct, the student’s age and past history of disciplinary infractions, as well as other relevant factors;

Despite the short-term removal from the general education program as indicated above, your student shall remain entitled to educational services that are comparable to services received in the classroom. However, these services will be provided in a safe, secure, alternate location beginning on the fifth day of suspension, if applicable.

Your child has the right to appeal this decision to the Commissioner of Education pursuant to N.J.A.C. 6A:3-1.3 through 1.17.

The right to privacy concerning this incident and all records documenting this incident and administrative actions taken in response to the incident.

The right to a description of behavioral supports that, where appropriate, are available to support your child’s maintenance of appropriate behavior. Please note that the “Code of Student Conduct” contains a description of approved behavioral supports that will help your child fulfill established behavioral expectations. Please do not hesitate to contact this office for more information.

Finally, attached please find a list of community-based health and social service provider agencies available to support a student and the student’s family, as appropriate, and a list of legal resources available to serve the community.

Attachments: 5131 District Code of Student Conduct
5114 Suspension and Expulsion Policy
5114 Suspension and Expulsion Regulation

Regulation

SUSPENSION AND EXPULSION

GENERAL STATEMENT

The following guidelines for suspension and expulsion are established to ensure the good order of the school, provide appropriate notice of penalties for violations of school regulations, teach students the consequences and provide examples of disruptive behavior, provide notice of penalties for assault and weapons violations, and establish due process rights of any student that is suspended or expelled.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none">• General policy procedure oversight within the district• Reporting all suspensions and expulsions to the board• Notification of due process and appeal rights• Conducting meetings• Documentation of all steps of the procedure• Biannual report
Board of education	<ul style="list-style-type: none">• General oversight of the chief school administrator• Board hearings in closed session
Teacher in charge	<ul style="list-style-type: none">• Written report to the board in cases of assault by a student• Notice to case manager and parents/guardians along with reasons for removal for classified students
Classroom Teachers and/or aides	<ul style="list-style-type: none">• Attendance• Impartial witness to disciplinary infractions• Report all disciplinary infractions to administration
IEP Team and Case Manager	<ul style="list-style-type: none">• Ensure that the removal of a special education student to an alternative interim educational placement is limited to 45 days

	<ul style="list-style-type: none"> • Ensure that services provided to suspended special education students provides for advancement in the general education curriculum and toward the achievement of IEP goals and objectives.
Special Education Teacher	<ul style="list-style-type: none"> • Ensure that services provided to suspended special education students allow for both advancement in the general education curriculum and toward the achievement of IEP goals and objectives.

DEFINITIONS

"Bodily injury" means physical pain, illness or any impairment of physical condition.

"Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument from which may be fired or ejected any solid object or gas, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which 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.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Weapon" means any object readily capable of inflicting serious bodily injury. The term includes, but is not limited to, (1) components which can be readily assembled into a weapon; (2) knives, clubs, slingshots, bands studded with metal filings or razor blades imbedded in wood; and (3) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other object or substance intended to produce temporary physical discomfort or permanent injury.

"School rules" means any applicable state or federal statute, code, regulation, ordinance, or legal directive issued by an authority having control over students and shall include the code of student conduct.

"Informal hearing" means a discussion between a school administrator and a student regarding the student's alleged misconduct in which the student is informed of his or her alleged violation of the code of student conduct (see N.J.A.C. 6A:16-7.1, and board policy 5131 Conduct and Discipline) and the basis for the accusation, and potential for discipline. During the informal hearing, the student is given the opportunity to explain his or her version of the facts and events regarding the alleged violation.

"Formal hearing" is held before the board of education and at a minimum shall:

- A. Be conducted by the board or it may be delegated by the board to a board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the board as a whole shall receive and consider either a transcript or detailed report on the hearing;

- B. Include an opportunity for the student to confront and cross-examine witnesses if there is a question of fact and present his or her own defense, and produce oral testimony or written supporting affidavits;
- C. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and
- D. Result in the district board of education's decision that shall be based, at a minimum, on the preponderance of evidence, which means that the board shall determine which facts are more likely to have happened than not.

PROCEDURES

Procedures for Suspension of Classified Students

- A. For disciplinary reasons, classified students may be suspended from their current educational placement for 10 or fewer consecutive or cumulative school days per year, by the teacher in charge/designee so long as they receive the same due process protections and educational services as non-classified students during the period of suspension. However, upon removal, the teacher in charge/designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:
 - 1. In imposing a removal of ten days or less on a classified student, the teacher in charge may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal.
 - 2. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A teacher in charge who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.
- B. Preschool students with disabilities shall not be suspended or expelled.
- C. The case manager shall monitor each removal and make an initial determination as to whether the removal constitutes a potential change in placement.
- D. Change in Placement

Every removal of a classified student from his IEP designated placement for disciplinary reasons, shall constitute a change in placement if:

- 1. The removal is for more than ten consecutive school days; or
- 2. Separate removals constitute a pattern of removal because they cumulatively amount to more than ten school days in a school year. In determining whether a pattern of removal exists, consideration should be given to similarities among the following factors:
 - a. The length of each removal;
 - b. The total amount of time the student has been removed;
 - c. The proximity of the removals to one another;
 - d. The similarity of conduct necessitating removal;
 - e. Factors precipitating the conduct;
 - f. The teacher in charge/designee must consult with the case manager in determining whether a pattern of removals exists. If a pattern is found to exist, the removals constitute a change-in-placement. The director of special education services should also be consulted as to the determination.

3. Where a change in placement is found, the child and parents are entitled to all due process protections listed in N.J.A.C. 6A:14-2.3 et. seq. as follows:
 - a. The teacher in charge/designee shall provide written notice, within 15 calendar days of the above determination, to the parent regarding the change in placement;
 - b. The teacher in charge/designee shall provide notice, fifteen calendar days in advance, of any proposed action. Notice shall be compliant with N.J.A.C. 6A:14-2.3(g). Any proposed action may be taken in less than 15 calendar days upon parental consent;
 - c. The proposed action shall be implemented on the 16th calendar day unless the parent disagrees and measures are taken by the teacher in charge/designee to resolve the disagreement; or
 - d. The parent files a request for mediation or due process pursuant to N.J.A.C. 6A:14-2.6 or 2.7. If such a request is filed, the proposed action must be delayed pending the results of mediation or due process, as the case may be;
 - e. The board, through the case manager, shall ensure that services to a student with a disability who has been removed from his or her education placement for more than 10 consecutive or cumulative school days, are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives.
 - f. A classified student who is subjected to disciplinary action that includes removal to an interim alternative educational setting, suspension for more than 10 consecutive or cumulative school days in a school year, or expulsion is entitled to additional protections as listed in 20 U.S.C. § 1415(k). Upon removal, the teacher in charge/designee shall ensure:
 1. Education services are provided that are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives;
 2. A functional behavioral assessment, behavioral intervention services, and modifications to address the behavior so that it does not recur.

4. Manifestation Determination

Within 10 school days of any change in a classified student's placement due to a violation of the code of student conduct, the case manager shall convene an IEP meeting and with the parent, shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to conduct a manifestation determination to determine:

- a. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. Whether the conduct in question was the direct result of the district's failure to implement the IEP.

5. Manifestation Found

If the IEP team determines that the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or was the direct result of the district's failure to implement the IEP, that conduct shall be determined to have been a manifestation of the child's disability. In such cases, the IEP team shall:

- a. Review the functional behavioral assessment from 6(ii) above, or conduct a new functional behavioral assessment if warranted;
- b. Review and revise the student's behavioral intervention plan to address the student's non-compliant behavior; and
- c. Return the child to his or her prior placement, unless the parent agrees to a change in placement as a modification of the behavioral intervention plan.

6. Manifestation Not Found

Where the IEP team determines that the student's conduct was not a manifestation of the child's disability, the student shall be entitled to the due process protections afforded general education students for violations of the code of student conduct. If the student is removed for five or more school days, the teacher in charge/designee shall notify the student's case manager and special education teacher, who shall determine the educational services that are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives during the period of suspension.

Special Circumstances for Classified Students

The teacher in charge may remove a student with a disability to an interim alternative educational setting for not more than 45 school days, without regard to the results of a manifestation determination, where a classified student:

- A. Possesses a weapon on school grounds, on a school bus, or during a board-approved activity;
- B. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance on school grounds, on a school bus, or during a board-approved activity; or
- C. Has inflicted serious bodily injury upon another person on school grounds, on a school bus, or during a board-approved activity.
- D. On the date of removal, the teacher in charge shall notify the parents and the case manager in writing of the removal to an interim alternative educational setting for not more than 45 school days and of the procedural safeguards provided to the student in effectuating the removal.
- E. Where a student with a disability is removed from his or her current educational placement due to special circumstances, the IEP team shall convene within five school days to determine the interim alternative educational setting. During the IEP meeting, the case manager/designee shall ensure that the parent is advised, in writing, of the right to appeal any decision regarding placement or the manifestation determination to the Commissioner of Education.
- F. Where the IEP believes that maintaining a student with a disability in his or her current educational placement is substantially likely to result in injury to the student, or to others, the district may request a hearing before the Commissioner to change the child's placement. In such cases, the director of special education shall consult with the teacher in charge and superintendent in determining to seek a change in placement.

Procedures for Short-term Suspension (10 days or less)

The following procedures apply to all students in the general education program and to classified students when the CST has determined that the student's misconduct was not a manifestation of his or her disability.

According to N.J.S.A. 18A:37-4, the teacher in charge shall have the authority to suspend a student from his or her educational program. N.J.A.C. 6A:16-7.2 allows the teacher in charge to delegate to an administrator, the informal hearing set forth in this regulation, however, any suspension may only be imposed by the teacher in charge. All suspensions must be reported to the board of education at the first regular meeting following the suspension. The teacher in charge, prior to imposing a suspension of 10 days or less, shall:

- A. Provide an informal hearing before the suspension, conducted by the teacher in charge/designee. The informal hearing shall include the following:

1. A description of behaviors alleged to warrant suspension, including verbal or written notice of the alleged violations of school rules and if those allegations are denied, an explanation of the underlying evidence. Notice of the allegations may be prior to or concurrent with the informal hearing;
 2. A copy of the applicable provisions of the board approved code of student conduct. Those provisions must include, but are not limited to, the age-appropriate behavioral expectations, as well as disciplinary consequences that are graded according to the severity of the offense, developmental age of the student, and any prior disciplinary history.
 3. An opportunity to respond to the allegations, including statements in defense, explanation, or mitigation;
 4. During the informal hearing, the student is not entitled to representation through counsel, nor through a parent/guardian, nor is the student entitled to call or cross-examine witnesses. The administrator/designee conducting the informal hearing may exercise discretion with regard to speaking to witnesses and investigating the allegations. In all cases, any disciplinary recommendation must be based on objective factual determinations, even if those determinations are reasonably debatable, meaning that the administrator/designee's factual determinations shall not be deemed invalid just because reasonable minds disagree. No disciplinary recommendation may be based in discrimination prohibited by state or federal statute or regulation.
 5. Where a student's conduct poses a continuing danger to persons or property or the student's conduct presents an ongoing threat of disrupting the educational process, the teacher in charge may remove the student immediately and convene the informal hearing as soon as practical thereafter.
- B. The teacher in charge/designee shall ensure that the informal hearing is conducted by a school administrator who has been trained in the conduct of student disciplinary hearings.
- C. The teacher in charge shall immediately notify the chief school administrator, in writing, of any suspension along with the reasons for the suspension and the terms and conditions imposed upon the student. The chief school administrator shall ensure that the suspension is reported to the board of education at the next regular meeting following the suspension.
- D. The teacher in charge/designee shall provide oral or written notification to the parents/guardians, of student's suspension (adequate supervision shall be provided while the student awaits the parent/guardian). Such notice shall be provided to the students upon discharge of the student to the parent/guardian and shall include:
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 this section; and
 5. The terms and conditions of the suspension.
- E. The teacher in charge/designee shall notify the student's teacher(s) in writing of the period of suspension and shall ensure that academic instruction consistent with the student's current coursework is provided on or before the fifth day of suspension.
- F. At the completion of the suspension period, the student shall return to the program from which they were suspended. The student shall be responsible for turning in all assigned coursework upon his or her return.
- G. The teacher in charge/designee shall have discretion to convene a re-entry meeting to ensure that the student is prepared to return to his or her educational program. Where the teacher in charge/designee has reason to believe that the student is not ready to return to the educational program, such belief and the reasons therefore shall be documented in the student's disciplinary file and the teacher in charge/designee shall consider intervention and referral services (I&RS team).

- H. The chief school administrator/designee shall document in writing the date of each of the above steps with a brief description recording the circumstances surrounding each step. Such documentation shall be maintained in the student's disciplinary file.
- I. The chief school administrator/designee shall provide notice of each short-term suspension and the student's return to the board of education at the next regular meeting. The teacher in charge/designee shall have discretion to reinstate the student prior to the completion of the short-term suspension.
- J. Any student may appeal a short-term suspension from the general education program, based upon a removal for assault upon a teacher, administrator, board member, district employee, or another student, with a weapon, on school property, at a school function, or on a school bus, to the board of education. In all other cases involving removal from the general education program, an appeal may be filed before the Commissioner of Education pursuant to N.J.A.C. 6A:3-1.3 through 1.17. A student with a disability retains the due process protections contained in N.J.A.C. 6A:14.

(See: Exhibit 1 – Notification Letter for Short-term Suspension)

Procedures for Long-term Suspension (more than 10 days)

- A. The chief school administrator shall ensure that the procedures for short term suspension as listed in short-term suspension above, in addition to the procedures in this section for long-term suspension, including documenting the steps taken, are followed for any student assigned a long term suspension. No suspension may extend past the second regular board meeting following the suspension except by board action. In the event that the first regular meeting following the student's suspension is cancelled, the board shall consider continuing the student's suspension at the subsequent regular meeting. If the second regular meeting subsequent to the suspension is cancelled, and the administration and/or board has not taken action with respect to the student's suspension, the board shall schedule a special meeting as soon as practical to consider a continuation of the student's suspension.
- B. Parents/guardians shall receive written notification within 2 days of the suspension stating of the following:
 - 1. The specific charges;
 - 2. The facts on which charges are based;
 - 3. The student's rights to due process and a formal board hearing held within 30 days of the student's removal; and
 - 4. Notice that further conduct warranting expulsion shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that the board determines to expel the student;

The parent/guardian shall be requested to provide written acknowledgement of the notifications (see: Exhibit 2 Long-term Suspension notification).

- C. Other information that shall be provided in writing at least five calendar days prior to the formal hearing:
 - 1. The list of witnesses and their statements;
 - 2. The manifestation determination, if applicable;
 - 3. Notice of the right to have an attorney present and available legal resources in the community;
 - 4. The right to educational services that are comparable to those provided in the student's general education program;
 - 5. The right to impartial officials – no official hearing the case can be involved in the incident;
 - 6. The right to a translator.

Comparable educational services shall be provided to the student on or before the fifth day of suspension.

(See: Exhibit 2 – Notification Letter, covering notification of charges, facts, witnesses, expulsion, due process rights and request for written acknowledgement)

Procedures for Long-term Suspension – Board Responsibilities

- A. The board shall conduct a formal hearing on or before the second regular board meeting following the student's suspension. At this hearing, the board may reinstate the student, or affirm, continue, or modify the suspension.
- B. The board may refer the hearing to a board student disciplinary committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the full board shall receive and consider either a transcript of the hearing or a detailed report on the hearing.
 - 1. Where the board determines to continue the suspension, such determination shall be based on the following criteria:
 - a. The nature and severity of the offense;
 - b. The board's removal decision or administrative recommendation as appropriate;
 - c. The results of relevant testing, assessments, or evaluations of the student; and
 - d. The recommendation of the chief school administrator, after considering input from the teacher in charge or director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
 - 2. In each instance where the board has determined to continue a suspension, at each subsequent meeting, the board shall consult with the chief school administrator to determine:
 - a. The status of the student's suspension;
 - b. The appropriateness of the suspended student's current educational program; and
 - c. Whether the suspended student's disciplinary placement should continue or whether the student should return to the general education program.
- C. Where the student has not been reinstated pursuant to administrative or board action, the board shall approve an appropriate educational program for the student based on the following:
 - 1. A behavioral evaluation, including referral to the child study team;
 - 2. Results of relevant testing and assessment;
 - 3. Academic, health and behavioral records;
 - 4. Chief school administrator and other relevant staff recommendations;
 - 5. Parental input;
 - 6. Consultation with intervention and referral services (I&RS) team.
- D. The formal hearing shall provide an opportunity for the student to:
 - 1. Present a defense/explain their side of the story;
 - 2. Present witnesses;
 - 3. Present signed statements by witnesses;
 - 4. Face and question school witnesses on questions of fact. The board has no authority to determine the constitutionality of any statute.
- E. After the conclusion of the hearing the board shall notify the parent in writing of the decision within 5 days. The board's determination shall be based on a more likely than not standard, meaning that the

board may find a fact to be true if its probability of occurrence is more likely than not. Notification shall include:

1. The charges considered;
2. Summary of all the evidence;
3. Factual findings for each charge;
4. Identification of educational services to be provided;
5. Terms and conditions of the long-term suspension;
6. Notice of the right to appeal to the commissioner of education within 90 days.

F. In establishing a long-term suspension the board shall consider:

1. Nature and severity of the offense;
2. The removal decision;
3. Test results;
4. Recommendation of the chief school administrator and other relevant staff.

G. The board shall have discretion to reinstate the student to his or her educational program prior to the expiration of the suspension period. If the board continues the suspension, it shall review the case at each board meeting following that determination. The review shall include:

1. The status of the suspension;
2. The educational services provided;
3. Whether services shall be continued, adjusted or the student returned to general education;
4. If expulsion should be considered.

H. When determining to continue a student's suspension, the board shall make a final determination on:

1. When the student is prepared to return to the general education program;
2. Whether the student will remain in an alternative education program or receive home or other in- or out-of-school instruction, based on the board's approval of the student's educational program, the criteria set forth in (C)1 through 6 above; or
3. Whether to initiate expulsion proceedings in accordance with board policy and this regulation and law (N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4).

I. Appropriate educational services shall be provided to suspended students until the student graduates from high school or reaches the age of 20, whichever comes first.

Procedures for Expulsion

A. Expulsion may only be considered:

1. After a long-term suspension, including all due process rights;
2. After the provision of appropriate educational services;

B. A formal hearing shall be provided by the board according to the procedures for notification and hearings detailed under long-term suspension.

C. The student shall be entitled to comparable educational services through the conclusion of any appeal to the commissioner of education.

Mandatory Removal from School

In compliance with law, serious behavioral infractions related to violence and weapons require that the student be removed from the educational program. All procedures for short- and long-term suspension as

described in this procedure shall apply when a student's removal from the educational program is required by law. Serious and dangerous offenses requiring mandatory removal from school include:

Assault against board member or school personnel in the performance of their duties, or as a result of the individual's relationship to a public school district;

- A. Assault against board member, school personnel, or student with a weapon on school property, school bus or at a school function;
- B. Gun possession on school property, on a school bus or at a school function;
- C. Conviction of possession of a gun or a crime involving a gun off school property.

For the specific procedures for the mandatory removal of a student see board policies 5131.5 Violence and Vandalism, 5131.6 Substance Abuse, 5131.7 Weapons and Dangerous Instruments; and regulation 5131.5/5131.7 Violence and Weapons, Regulation.

REGULATION HISTORY

NJSBA Review/Update:	August 2021
Effective Date:	December 2007, December 2018
Date of Review/Revision:	

CROSS REFERENCES

5114	Suspension and Expulsion
5131	Conduct and Discipline
5131	Code of Student Conduct, Regulation
5131.1	Harassment, Intimidation and Bullying
5131.5	Violence and Vandalism
5131.5/5131.7	Violence and Weapons, Regulation
5131.3	Substance Abuse
5131.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments

EXHIBITS

Exhibit 1	Short-term Suspension, Due Process Notification
Exhibit 2	Long-term Suspension, Due Process Notification

PRIMARY RESOURCES

1	Administration and Board Action Chart
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NONRESIDENTS

The Salem City Board of Education shall operate the schools of this district for the benefit of all children resident in the district and such others as may be admitted, pursuant to statute and policy of the board. The board reserves the right to verify the residency of any student and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the schools of this district shall be in accord with policy 5111 Admission and the administrative code.

Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in this district may be enrolled, on a case-by-case basis, upon application to the board for a brief period of time prior to the anticipated date of residency, without tuition charges. If the child has not become a resident of the district by the end of the period of free attendance, tuition shall be required for the remainder of the time until residency is established.

Parents/guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The board reserves the right to verify such claims, and to remove from school a nonresident student whose claim cannot be verified.

Former Residents

Regularly enrolled children whose parents/guardians have moved out of the school district during the final marking period shall be permitted to finish the school year without payment of tuition

Regularly enrolled members of the Senior Class whose parents/guardians have moved out of the school district during the school year may complete the school year and graduate who with the other members of their Senior Class may do so providing:

- A. Parent/student(s) who moves out of the district must make a formal request to the Principal in order to stay at Salem High School to complete the Senior year;
- B. Students in grades (9-11) who move to another district but wish to remain at Salem High School must complete a School Choice Application;
- C. Transportation is the responsibility of the parent/student(s).

Children of Nonresident Staff Members

Children of nonresident employees of the board may be enrolled in the schools of this district upon payment of tuition on and in accordance with policy for other nonresident students.

NOTE: BECAUSE IT IS A TERM OR CONDITION OF EMPLOYMENT, ALLOWING NONRESIDENT STAFF MEMBERS TO SEND THEIR CHILDREN TO DISTRICT SCHOOLS FOR ANYTHING LESS THAN FULL TUITION SHOULD BE NEGOTIATED.

Foreign Exchange Students

The board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among students.

The board may accept exchange students on a J-1 visa who reside within the district as participants in group-sponsored exchange programs approved by the board. Tuition may be waived for students on a J-1 visa.

NONRESIDENTS (continued)

The board may accept privately sponsored exchange students on an F-1 visa for attendance only in secondary schools upon payment of tuition at the established district rate. Tuition cannot be waived for students on an F-1 visa, and attendance in district schools shall not exceed 12 months. Students attending the schools of this district on an F-1 visa may not participate in any adult-education programs sponsored by the board under any circumstances.

All potential organizations or individuals applying for admission shall forward the request to the superintendent by July 1 proceeding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The superintendent shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

Victims of Domestic Violence

A child who moves out of a school district as a result of domestic violence, sexual abuse or other family crises shall be permitted to remain enrolled in that district for the remainder of the school year. If the child remains enrolled in the district for the remainder of the school year, the school district shall provide transportation services to the child, provided the child lives remote from school, and the State shall reimburse the school district for the cost of the transportation services.

Homeless Students

The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as pertinent federal law. The district will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

The superintendent or designee shall ensure that the parent/guardian or adult student is given written notice, at the time the student seeks enrollment in the school, and at least twice annually while enrolled, that describes the general rights provided under the McKinney-Vento Homeless Assistance Act and specifically states the choice of schools the children and youths are eligible to attend. This notice must be signed by the parent/guardian.

Other Nonresident Students

The Salem School Districts operates an inter-district school choice program and students shall be admitted as authorized by that program.

Other nonresident students may be admitted to this district on payment of tuition and availability of space and only upon the recommendation of the superintendent and regular action by the board.

The superintendent shall develop procedures for the enrollment of nonresident children that allow admission of such children only on the proper application of parent/guardian; verify claims of residency and submission of affidavits of guardianship; deny admission where the educational program maintained for the children of this district is inadequate to meet the needs of the applicant; do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and make continued enrollment of any nonresident student contingent upon maintaining good standards of citizenship and discipline.

When a child must either relocate to or from this district because his/her parent/guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and has been ordered into active service, the child shall be eligible to attend the schools of this district without paying tuition. The district shall not be responsible for transporting the child.

NONRESIDENTS (continued)

The superintendent or his/her designee shall recommend to the board for its approval the admission of qualified applicants.

The board shall not be responsible for the transportation to or from school of any nonresident students, except as may be required by state or federal law. The board shall annually determine tuition rates for nonresident students. Should the student leave the district before the end of the school year, tuition will be pro-rated upon providing thirty days prior notice of departure from the district.

Adopted: May 7, 2014, December 14, 2016, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Nonresidents, Tuition Student, Affidavit Student, Homeless Student

<u>Legal References:</u>	<u>N.J.S.A. 18A:7F-45</u> <u>N.J.S.A. 18A:11-1</u> <u>N.J.S.A. 18A:36B-14 et seq.</u>	Definitions General mandatory powers and duties <u>Interdistrict Public School Choice Program Act of 1999</u> Attendance at school free of charge
	<u>N.J.S.A. 18A:38-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 18A:38-1.1, 38-2, 38-3, 38-8, 38-9</u> <u>N.J.S.A. 18A:46-20</u>	Receiving students from outside district; establishment of facilities Powers of board (county vocational schools) Interdistrict Public School Choice Education for homeless children and students in state facilities Student residency
	<u>N.J.S.A. 18A:54-20</u> <u>N.J.A.C. 6A:12-1.3 et seq.</u> <u>N.J.A.C. 6A:17-1.1 et seq.</u> <u>N.J.A.C. 6A:22</u> <u>See particularly:</u> <u>N.J.A.C. 6A:22-3</u> <u>N.J.A.C. 6A:22-3.1</u> <u>N.J.A.C. 6A:23A-19.2</u>	Eligibility to attend school Students domiciled within the school district Method of determining the district of residence
	<u>N.J.A.C. 6A:23A-19.3</u>	Address submission for determining the district of residence
	8 <u>U.S.C. 1101 - Illegal Immigrant and Immigration Responsibility Act of 1997</u>	
	<u>Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood</u> , 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)	
	<u>Every Student Succeeds Act of 2015</u> , Pub. L. 114-95, 20 <u>U.S.C.A. 6301 et seq.</u>	
	<u>J.A. v. Board of Education of South Orange/Maplewood</u> , 318 N.J. Super. 512 (App. Div. 1999)	

Possible

<u>Cross References:</u>	3240 Tuition income *5111 Admission *5114 Suspension and expulsion 6142.5 Travel and exchange programs
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NONRESIDENTS (continued)

*6151 Class size

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SCHOOL CHOICE PROGRAM

The Salem City School District has been designated as a Choice School District, under The New Jersey Interdistrict Public School Choice Program, and as such will be a receiving district for students wishing to attend a school in the Salem City School District.

Students from other districts may be accepted into the Salem City School District through the Interdistrict Public Choice Program on a space available basis and may limit admissions to a particular grade level or to areas of concentration.

The program shall be governed by the rules set forth in N.J.A.C. 6A:12.1 et seq.

The Salem City school district may establish reasonable criteria to evaluate prospective choice students, including the student interest in the program(s) offered. However, the district will not impose admission criteria upon prospective choice program students other than those used to determine admission of resident students to the program(s) for which the prospective choice students are applying. The district may give preference for the enrollment to siblings of students already enrolled in the program.

Applicants must follow state deadlines including the date for applying to the Public Choice Program and the date for notification to the home district of the student's intent to participate in the Interdistrict Public Choice Program.

The board of education shall not prevent or discourage students from participating in the school choice program who meet the criteria as detailed in the district's application for participation in the choice program.

No applicant to become a choice student of this district shall be discriminated against on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with disabilities, proficiency in the English language, or any other basis prohibited by State or Federal law. This district shall not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional State aid received as a result of the student's enrollment.

All students enrolled on a tuition basis in this district at the time of approval by the Commissioner as a choice district, shall be entitled to remain enrolled in the district as a choice program student. No additional students may be admitted on a parent-paid tuition basis as long as the district participates in the school choice program.

All students enrolled in the choice program shall not be required to reapply and shall be guaranteed enrollment in the district through all the grades offered by the district. The student shall be permitted to transfer back to a school of the sending district or may apply to a different choice district during the next application period.

A choice student may transfer back to the sending district except as limited by N.J.A.C. 6A:12- 4.3(f)1 and may apply to attend a different choice district by following the choice student application procedures as set forth in N.J.A.C. 6A:12-4.3.

Home districts will not pay tuition for Interdistrict Public Choice Program students.

The Salem City School District will provide transportation within twenty miles of Salem City for Interdistrict Public Choice students.

Preferences for Enrollment

SCHOOL CHOICE PROGRAM (continued)

Enrollment may be prioritized for students with siblings in the district (including students applying for kindergarten)

Special Education Students

An application for enrollment of a student who has been classified as eligible for special education services pursuant to N.J.S.A. 18A:46 may be rejected:

- A. If the student's individualized education program can not be implemented in this district; or
- B. If the enrollment of that student would require the district to fundamentally alter the nature of its educational program; or
- C. If the enrollment of that student would create an undue financial or administrative burden on the district.

A student whose application is rejected by the district shall be provided with a reason for the rejection in the letter of notice. The appeal of a rejection notice may be made to the commissioner, through the Bureau of Controversies and Disputes.

If the student is determined to need special education services after acceptance but prior to the start of the first school year in the district and the district cannot implement the individualized education program (IEP) as, acceptance into the choice program can be revoked.

Once the applicant has been enrolled and started the first year in the choice program, the district is required to keep the student and ensure that the student's needs for special education services are met, just the same as it would for a resident student. Once the student has enrolled, and an IEP is developed that cannot be implemented by the district, the district must follow the normal IEP process for out-of-district placement (see board policy 6171.4 Special Education and law: N.J.A.C. 6A:14-2.7 for due process hearings, N.J.A.C. 6A:14-3.7 for IEP process and N.J.A.C. 6A:14-4.3 for program options).

Application

The district shall adhere to the notification, application, and reporting deadlines established annually by the NJDOE and found at <http://www.state.nj.us/education/choice/apptimes.htm>. The following steps shall be implemented for notifications, applications and report submissions:

- A. The student's parent or legal guardian must submit the Notice of Intent to Participate in a School Choice Program to the superintendent of their resident district no later than the deadline established by the NJDOE);
- B. The resident district shall notify the parent/guardian no later than the deadline established by the NJDOE confirming or denying the students eligibility to participate in the School Choice Program. Students may be denied eligibility if the board has resolved and the Commissioner has approved a limit on the number of students who may leave the district to enroll in a school choice program. Students shall be confirmed on a first come first serve basis;
- C. The student's parent or legal guardian must submit the application for the choice program no later than application deadline established by the NJDOE;
- D. The Salem City School District shall notify the parent or legal guardian in writing no later than deadline established by the NJDOE, whether the application for participation in the choice program has been conditionally accepted or rejected. If an application is rejected, the district shall state the reason for rejection in the notification and shall provide applicable information regarding the student's position on the waiting list;

SCHOOL CHOICE PROGRAM (continued)

- E. The parent or legal guardian shall then provide written notification to this district no later than deadline established by the NJDOE whether the student applicant intends to enroll in the choice program. This notification shall be binding;
- F. In the event that parent/guardian is notified that the application has been accepted, but the parent/guardian fails to provide the written binding notice of intent to enroll, the Salem City School district shall accept applicants from the waiting list. The district shall notify the parent or legal guardian from the waiting list that the student(s) is accepted no later than deadline established by the NJDOE;
- G. The Salem City School District shall notify the sending districts in writing of each student's enrollment within 10 days of the student's notification of the intention to attend this choice program.

Unfunded School Choice Students

The district may enroll students for all approved seats available in accordance with the approved district application for the School Choice Program and board policy after the application deadline and the enrollment data has been sent to the NJDOE. However, when a student is enrolled after the enrollment data submission deadline (from the waiting list or from a late application) the student shall be an unfunded choice student in the subsequent school year. The unfunded student's enrollment will be automatically converted to a funded choice student the following year if he/she remains in the choice program.

An application for the Choice Program may be accepted late and the student enrolled during the ongoing school year, for resident students who move out of the district and wish to complete the year or continue as a Choice Program student. In such a case the district will obtain a deadline waiver from the Commissioner. The student shall be unfunded in the subsequent school year. The unfunded student's enrollment will be automatically converted to a funded choice student the following year if he/she remains in the choice program.

The enrollment data to the NJDOE shall be accurate and reflect the number of accepted applications as well as the actual number of students reporting the intention to enroll. If however, a student defaults and creates a vacancy for a funded space, the district may fill the vacancy and it shall be funded.

The district shall use the waitlist and select students according to the policy and regulations governing the development and use of the waitlist for all available seats and/or vacancies that occur before accepting late applications.

Late applications may be accepted for existing funded spaces, only after the applicants from the waiting list have been contacted and offered the spaces available.

Lottery Selection Process

When there are more applications than space available in the choice program, the district shall hold a public lottery to determine the selection of students for participation in the choice program. The district shall:

- A. Hold a public lottery to determine the selection of students for participation in the choice program;
- B. Notify the parent or guardian of every student who has submitted notice of intent to participate in the choice program of the date and time of the lottery;
- C. Assign a number to each student participating in the lottery and notify the parent or guardian of the number assigned to their child(ren); and
- D. Develop a waiting list based on the lottery.

Students granted preference may be put ahead of Tier 1 applicants and need not be entered into a lottery with Tier 1 applicants. The district shall give preference to students with siblings in the district (including students applying for kindergarten). If preference is given to siblings of students already enrolled in the program, and there are no spaces available after granting permission to participate in the choice program to

SCHOOL CHOICE PROGRAM (continued)

such siblings, a lottery shall be held for the remaining applicants in order to assign them a place on the waiting list. If preference is given to siblings of students already enrolled in the program, and there are more sibling applicants than there are available spaces, a lottery shall be held for siblings only in order to determine the selection of students for participation and for placement on the waiting list behind the sibling on the waiting list.

Waiting List

When the number of student application for the choice program exceeds the available space in the choice program a waiting list will be established to be used in the second enrollment cycle.

The list shall be comprised of applicants selected by lottery and listed in the numerical order in which the name was drawn. As space becomes available for participation in the school choice program, students will be contacted in the order in which their name appears on the list. Siblings of existing students shall be offered admission first.

The school waiting list shall expire annually and all waiting applicants subject to reapplication.

General Provisions

All credits toward graduation that were awarded by another district Board of Education shall be accepted by this district for students attending the choice program.

A diploma will be awarded to all choice students who participate in the program if those students meet the established graduation requirements of this district and the requirements of the State of New Jersey.

A public information program shall be established to inform the public about the New Jersey Interdistrict Public School Choice Program as offered by this district and directed to all communities form with the district can anticipate attracting students. Specific communities shall not be targeted, as the public information program shall be region wide in scope.

Appeals

Appeals may be filed on behalf of the district in accordance with the provisions of N.J.A.C. 6A:4 and appeals of denial of student applicants may be filed with the Commissioner in accordance with the provisions of N.J.A.C. 6A:24.

Adopted: February 14, 2005; December 12, 2007, December 12, 2018
 NJSBA Review: May 2022
 Readopted: December 14, 2022

Key Words

Choice, School Choice, School Choice Program, Application, Lottery, Waiting List

<u>Legal References:</u>	<u>N.J.S.A. 18A:7F-45</u>	Definitions
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:36B-1 et seq.</u>	Interdistrict Public School Choice Program Act of 1999
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:36B-20, -21</u>	
	<u>N.J.S.A. 18A:38-1 et seq.</u>	Attendance at school free of charge
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:38-2, 38-3, 38-8, 38-9</u>	
	<u>N.J.S.A. 18A:46-20</u>	Receiving students from outside district; establishment of facilities
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:12-1.3 et seq.</u>	Inter-district Public School Choice

SCHOOL CHOICE PROGRAM (continued)See ParticularlyN.J.A.C. 6A:12-4.1, -4.2, -4.3N.J.A.C. 6A:17-1.1 et seq.

Students at Risk of Not Receiving a Public Education

N.J.A.C. 6A:22

Student residency

See particularly:N.J.A.C. 6A:22-3

Eligibility to attend school

N.J.A.C. 6A:22-3.1

Students domiciled within the school district

N.J.A.C. 6A:23-5.2

Method of determining the district of residence

N.J.A.C. 6A:23-5.3

Address submission for determining the district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.**Possible**

Cross References: 3240 Tuition income
 *5111 Admission
 *5118 Nonresidents
 *6151 Class size

*Indicates the policy is included in the Critical Policy Reference Manual.

FOSTER CARE AND EDUCATIONAL STABILITY

The Salem City Board of Education recognizes that children placed in foster care, including resource family homes or other out-of-home placements, have special needs. The board is committed to ensuring cooperation and collaboration with the New Jersey Department of Children and Families (DCF) to minimize further disruptions in the lives of these children and promote their educational stability. The superintendent is directed to oversee the development of effective partnerships between the schools of this district and child welfare officials to support the educational needs of children in out-of-home placements within the community, and also provide a framework to support a broader range of children in need of prevention, intervention and referral services.

The Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) requires educational stability for children placed in foster care including resource family homes or other out-of-home placement. When the Division of Child Protection and Permanency (DCP&P) or other State authorized agency places a child in foster care including resource family homes or other out-of-home placement there shall be a presumption that the child shall remain in the school currently attended by the child, unless DCP&P or other State authorized agency determines that this is not in the best interest of the child. In the event that it is determined that the present school district placement is not in the child's best interest, the child shall be immediately enrolled in the new school district, and the mandated student records shall be provided to the new school district in accordance with law (N.J.A.C. 6A:32-7.5 et seq.) and board policy (5125 Student Records). Even if the child is unable to produce records typically required for enrollment, the child shall be immediately enrolled.

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. Out-of-home placement is a temporary placement for a child, made by a State agency (Child Protection and Permanency) or State authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management), in a group home category placement or resource family home, where care of the child is deemed necessary to protect the child's safety and well-being.

Roles and Responsibilities

- A. The superintendent shall ensure that ongoing communication and collaboration with the Department of Children and Families (DCF) is maintained to support the following goals:
 1. Children remain in their current school when it is determined that it is in their best interest, and to the extent feasible and appropriate, the children remain in their current school while this determination is being made by DCF;
 2. Children enter school ready to learn;
 3. Children receive supports and services to participate in all aspects of school and to prevent school dropout, truancy, and disciplinary actions;
 4. Children are engaged in their education, are empowered to advocate for their educational needs and pursuits, and receive supports and services to ensure a successful transition into adulthood;
 5. Children with disabilities are located, identified and evaluated for eligibility for special education and section 504 services and, if eligible, shall receive services in accordance with their IEP or section 504 plan;
 6. DCF and the district collaborate to support and improve the well-being of children.

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

- B. DCP&P employees shall have access to student records, including those that are relevant to current and ongoing child welfare investigations. It is not required to have the written consent of the parent or adult student, or a court order, to release student records to DCP&P or other representatives of a State or local child welfare agency pursuant to P.L. 112-278, S.2, the Uninterrupted Scholars Act;
- C. The superintendent shall designate at least one school district liaison to act as the primary contact person between the schools in the district and child welfare authorities with regard to general information sharing, the development of mutual training and other cooperative efforts (N.J.A.C. 6A:16-11.1(a)6). The responsibilities of the district liaison may include:
 - 1. Facilitating school registration, placement, educational planning, support services, collaboration and problem resolution that may include but are not limited to:
 - a. Healthcare planning (see policies 5141 Student Health and 5141.21 Administration of Medication);
 - b. Child study team referral and assessment;
 - c. Intervention and referral services as necessary and appropriate;
 - d. Ensuring continuity of individualized education program (IEP) as appropriate;
 - 2. Serving as the point person for communication, collaboration, information sharing and resource identification;
 - 3. Acquiring knowledge about outside systems and resources, which may require attendance at cross-trainings offered at state and local levels;
 - 4. Overseeing district staff's implementation of the Interagency Guidance Manual with DCF staff and the local memorandum of agreement (MOA) if developed;
 - 5. Participating in turnkey county-offered trainings and activities that foster collaboration, communication and problem resolution between the education and child welfare communities; and
 - 6. Coordinating with DCP&P to provide the required training of school district employees, volunteers and interns (N.J.A.C. 6A:16-11.1(a)8).

District of Residence and Tuition

The district of residence is responsible for continuing to educate a child within its own district or paying tuition for a child attending school in another district, and for providing for any needed transportation. Five school days after the best interest determination has been made, the district of residence must make transportation arrangements for the child. The district of residence shall bear the cost of providing the transportation.

A. Placement in a resource family home:

- 1. If a child was placed in a resource family home prior to September 9, 2010, the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred;
- 2. If a child was or is placed in a resource family home on or after September 9, 2010, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

B. Placement in residential State facilities

When a child is placed in a residential State facility, or has been placed by State agencies in a group home, skill development home, private school or out-of-State facility, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

- C. If the district of residence cannot be determined, or if the criteria identify a district of residence outside of the State, or if the child has resided in a domestic violence shelter or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child (N.J.S.A. 18A:7B-12).

FOSTER CARE AND EDUCATIONAL STABILITY (continued)Transportation

- A. Transportation for students living in group homes shall be the responsibility of the resident district board of education as detailed above and according to law (N.J.S.A. 18A:7B-12);
- B. Transportation for students placed in a resource family home on or prior to September 9, 2010 shall be the responsibility of the resident district board of education in which the resource family home is located and shall follow the requirements of law (N.J.S.A. 18A:39-1 et seq.) and board policy 3541.1 Transportation Routes and Safety.
- C. For students removed from the custody of their parent or legal guardian and placed in a resource family home or moved from placement in one resource family home to another after September 9, 2010:
 - 1. The school district of residence for the student is the school district in which the student's parent or legal guardian was living at the time of the student's placement;
 - 2. When a student is placed in a resource family home that is located within the student's school district of residence, the school district of residence shall provide transportation services; and
 - 3. When a student is placed in a resource family home that is located outside of the student's school district of residence, the school district in which the resource family home is located shall arrange for transportation services in consultation with the school district of residence. The school district of residence shall be responsible for the cost of transportation.

Transferring Student Records

When a child is placed in foster care including a resource family home or other out-of-home placement and newly enrolls in the district, the superintendent or his or her designee shall immediately contact the school of origin to obtain relevant academic and other records. The request for records shall be submitted in writing within 10 school days of enrollment. The superintendent or his or her designee shall also ensure records of students who are required to transfer to another school district as a result of foster placement, are transferred expeditiously and in accordance with law (N.J.A.C. 6A:32-7.5) and board regulations.

Implementation

The superintendent shall oversee the development of procedures for collaboration with DCP&P and tuition reimbursement to avoid barriers to immediate enrollment.

Adopted: May 7, 2004, December 14, 2016, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Foster Care, Resource Family Home, Out-of-Home Placement, DCP&P, Child Welfare, Liaison

<u>Legal References:</u> <u>N.J.S.A. 18A:7B-12</u>	Determination of district of residence
<u>N.J.S.A. 18A:7F-24</u>	Submission of budget for educational programs in State facilities
<u>N.J.S.A. 18A:7F-43 et seq.</u>	School Funding Reform Act of 2008
<u>See particularly:</u>	
<u>N.J.S.A. 18A:7F-49</u>	Determination of base per student amount; grade level weights
<u>N.J.S.A. 18A:36-19a.</u>	Student records
<u>N.J.S.A. 18A:36-25.1</u>	Certified copy of birth certificate required for enrollment in school, records
<u>N.J.S.A. 18A:39-1 et seq.</u>	Transportation to and from schools
<u>N.J.S.A. 30:4C-26</u>	Placing child in resource family home or institution

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

<u>N.J.S.A.</u> 30:4C-26b	Child in resource family home, determination of school placement
<u>N.J.A.C.</u> 6A:8-4.3	Accountability
<u>N.J.A.C.</u> 6A:14-1 <u>et seq.</u>	Special education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:14-2.2	Surrogate parents, wards of the State and foster parents
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-8.1	Establishment of intervention and referral services
<u>N.J.A.C.</u> 6A:16-11.1	Reporting potentially missing, abused or neglected children and attempted or completed suicide
<u>N.J.A.C.</u> 6A:22-3.4	Proof of eligibility
<u>N.J.A.C.</u> 6A:22-4.1	Registration forms and procedures for initial assessment and enrollment
<u>N.J.A.C.</u> 6A:23A-17.1	Method of determining tuition rates for regular public schools
<u>N.J.A.C.</u> 6A:32-7.1 <u>et seq.</u>	Student records
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:32-7.5	Access to student records

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Fostering Connections to Success and Increasing Adoptions Act, Pub. L. 110-351

Memorandum, Re: Ensuring Educational Stability for Children in Foster Care; the New Jersey Commissioner of Education: October 4, 2016, located at:

<https://homeroom5.doe.state.nj.us/broadcasts/2016/OCT/03/15303/Ensuring%20Educational%20Stability%20for%20Children%20in%20Foster%20Care.pdf>

Memorandum, Re: Interagency Guidance Manual to Improve Educational Outcomes of Children in Out-of-Home Placement; the New Jersey Commissioner of Education: March 11, 2016, located at:

http://www.nj.gov/education/students/safety/edservices/stability/outcomes_memo.pdf

Improving the Educational Outcomes of Children in Out-of-Home Placements: An Interagency Guidance Manual; The New Jersey Department of Children and Families, 2013.

Located at: <http://www.nj.gov/education/students/safety/edservices/stability/outcomes.pdf>

Possible

<u>Cross References:</u> *3541.1	Transportation Routes and Services
*5111	Admission
*5125	Student Records
*5141	Health
*5141.3	Health Examinations and Immunizations
*5141.21	Administering Medication
*6164.1	Intervention and Referral Services
*6164.2	Guidance Counseling
*6164.4	Child Study Team
*6171.1	Remedial Instruction
*6171.3	At-risk and Title 1 (parent involvement)
*6171.4	Special Education

*Indicates policy is included in the Critical Policy Reference Manual.

FOSTER CARE AND EDUCATIONAL STABILITY

GENERAL STATEMENT

The New Jersey Department of Children and Families (DCF) maintains oversight of the processes involved in identifying and placing children in out-of-home placements. The school district plays a critical role in maintaining the educational stability of children placed in foster care including resource family homes or other out-of-home placements. The follow procedures structure the collaboration between the school district and DCF to optimize educational stability for students placed in foster care and ensure the prompt arrangement of transportation and payment of tuition.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none">• Implementation and administrative oversight within the district• Transfer of records, written notifications• Appointment of the liaison
Building principal	<ul style="list-style-type: none">• Implementation and oversight within the school building• Assessment of this regulation
District liaison	<ul style="list-style-type: none">• Primary contact with the DCP&P case manager and DCF• Facilitates all aspects of the student's enrollment and adjustment to school to ensure educational stability• Coordinates school services with BA, transportation director, CST, I&RS, school nurse• Facilitates the caregivers involvement in school
Business administrator	<ul style="list-style-type: none">• Tuition calculation, payment• Transportation arrangements, payment
Transportation director	<ul style="list-style-type: none">• Transportation arrangements
Intervention and Referral Services	<ul style="list-style-type: none">• Provide assessments for students experiencing health, behavioral, educational or emotional difficulties• Provide appropriate services and/or referral resources
Child Study Team	<ul style="list-style-type: none">• Implementation of the IEP, when applicable• Evaluation and assessment as necessary and requested
Nurse	<ul style="list-style-type: none">• Implementation of health care arrangements and plans

DEFINITIONS

"New Jersey State Department of Children and Families (DCF)" was created in July 2006 as New Jersey's first Cabinet agency devoted exclusively to serving and safeguarding the most vulnerable children and families in the state. DCF includes:

1. Child Protection and Permanency (DCP&P);
2. Children's System of Care;
3. Family and Community Partnerships;
4. Office of Adolescent Services;
5. Office of Education;
6. Child Welfare Training Academy;

7. Centralized Child Abuse/Neglect Hotline;

"Best interests determination" as used for the purposes of educational stability, is generally made by the DCP&P case manager and if contested by court on whether or not the child should remain in his/her current school. In making a best interest determination the case manager considers a number of factors including but not limited to safety, proximity, age and grade level, the child's preference, and special education programing needs (see N.J.S.A. 30:4C-26b for the complete list).

"Case Manager" is the child's assigned case manager from DCP&P or other state authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management/UCM) who facilitates the child's placement in any out-of-home setting and has supervision of said child.

"Caregiver" is a person who is licensed by DCF to provide resource family care or is employed by an agency to provide direct care and supervision for a child in a group home, treatment home, teaching family home or supervised transitional living home.

"District of residence" for children placed in resource family homes prior to September 9, 2010, is the school district where the resource family parents reside. On or after September 9, 2010, children placed in resource home care or moved from one resource home to another, the "district of residence" is the school district of the parent or guardian with whom the child lived prior to the most recent placement in resource home care per N.J.S.A. 18A:7B-12. For children placed in a non-resource family home, the "district of residence" is the school district where the parent resides.

"Educational Stability" is the continuation in the present school for a child placed in a resource family home or other out-of-home placement unless it is determined that this is not in the best interest of the child.

"Foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

"Resource family home" means and includes private residences wherein any child in the care, custody, or guardianship of the Department of Children and Families may be placed by the department, or with its approval, for care, and shall include any private residence maintained by persons with whom any child is placed by the Division of Child Protection and Permanency for the purpose of adoption until the adoption is finalized.

"Group home category placement" is any public or private establishment other than a resource home that provides board, lodging, care and treatment services on a 24-hour basis to 12 or fewer children in a homelike, community-based setting. Included in this category are group homes, treatment homes, teaching family homes and supervised transitional living programs.

"Out-of-home placement" is a temporary placement for a child, made by a State agency (DCP&P) or State authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management), in a group home category placement or resource family home, where care of the child is deemed necessary to protect the child's safety and well-being.

"Parent" is the natural parent, adoptive parent, or an appointed surrogate parent. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights pertaining to N.J.A.C. 6A:14.

"Parental consent" is an agreement in writing from the parent having legal responsibility for educational decision making under N.J.A.C. 6A:14-2.2. The district must ensure that consent is informed and voluntary.

"Resource family home" is a private residence, other than a children's group home, treatment home, teaching family home or supervised transitional living program, in which board, lodging, care and temporary out-of-home placement services are provided by a resource family parent on a 24-hour basis under the auspices of DCP&P.

PROCEDURESCollaboration and Communication

The superintendent shall appoint one or more district liaisons between the district and DCP&P to ensure that students in this district or students transferring to this district affected by placement in foster care including resource family homes or other out-of-home placement receive continuity and stability in their educational program.

The liaison shall have the authority to confer and coordinate the provision of services with DCP&P and school office/admission personnel, transportation staff, the child study team, intervention and referral services, guidance staff, district medical personnel, teachers, the director of special education and the director of curriculum in facilitating the transfer and adjustment of newly enrolled students and students remaining in the district after placement.

Best Interest Determination

- A. When a child is placed in foster care including a resource family home or other out-of-home placement, DCP&P has five business days to make an assessment to determine if remaining in the district is in the child's best interest, and during this assessment the child shall remain in the school that he/she is currently attending;
- B. The liaison shall remain in contact with DCP&P to an extent that is practical and follow-up with DCP&P no later than the five business day time period to ascertain the determination;
- C. The liaison shall notify the counseling staff, who may arrange supportive services such as counseling, resource information and other assistance the student may need;
- D. If DCP&P indicates that the student may be transferred to another district, the liaison shall begin overseeing the preparations for the transfer of the student's records. No records shall however, be transferred until DCP&P gives the district the official determination.

Remaining in the District

Once notified by DCP&P that a student has been placed in foster care, including a resource family home or other out-of-home placement, and DCP&P has determined the student shall remain in the district, the liaison shall:

- A. Notify the business administrator and/or the transportation director to coordinate transportation services when the placement is remote from the school;
- B. Contact the student's caregiver and/or DCP&P case manager to update the student record with new contact information and emergency contact information;
- C. Work with the DCP&P case manager regarding any custody and/or notification restrictions related to the court order to place the child;
- D. Notify the counseling staff, district intervention and referral services and/or the student's teacher as appropriate, to arrange supportive services such as counseling, resource information and other assistance the student may need.

Transferring into the District

Once notified by DCP&P that a student who has been placed in foster care, including a resource family home or other out-of-home placement, and DCP&P has determined that a transfer is in the best interest of the child, the student shall be transferred into one of the district schools:

- A. The liaison, in collaboration with the DCP&P case worker, shall facilitate the child's registration into the school district. Required documents for registration are limited to:

1. Foster/Resource Family Parent Identification letter or other agency letter pursuant to N.J.A.C. 6A:22-4.1;
 2. Caregiver proof of residency. The district must accept, as proof of a child's address, any combination of documents that establish residency, including deeds, leases, mortgages, utility bills or other documents (N.J.A.C. 6A:22-3.4).
- B. A child has the right to attend school. The district shall not delay or deny attendance based on its non-receipt of:
1. A certified copy of the child's birth certificate or other proof of identity. This is required within 30 days of initial enrollment (N.J.A.C. 6A:22-4.1(g); N.J.S.A. 18A:36-25.1);
 2. Medical information, although attendance at school may be deferred while awaiting immunization records (N.J.A.C. 6A:22-4.1(h); N.J.A.C. 8:57-4);
 3. The child's prior educational record pursuant to N.J.A.C. 6A:22-4.1(i).
- C. The liaison, in collaboration with the DCP&P case worker, shall follow-up by contacting the district of previous attendance to ensure that the transfer of records from the school of previous attendance is being processed and to verify when the records will be sent;
- D. The liaison, in conjunction with the DCP&P case manager, shall collect the necessary signed consent to release documentation so that staff members from the school of previous attendance and other relevant service providers may be consulted regarding continuity of the student's educational program. This may include the student's health, special education, social and emotional needs and other information necessary to assist with a smooth transition to the district;
- E. The liaison, in collaboration with the DCP&P case worker, shall ensure that the child is referred for intervention and referral services (I&RS) to assist when the child is experiencing learning, behavior or health difficulties (see board policy 6164.1 Intervention and Referral Services). The I&RS team shall collaborate with district liaison and the DCP&P case worker to identify out-of-school interventions when appropriate;
- F. The liaison, in collaboration with the DCP&P case worker, and the school nurse shall make provisions for the health care needs of the student including, but not limited to, disseminating the appropriate notices and information to pertinent staff members regarding allergies, provisions of the individualized health care plan and the administration of medication and emergency medication as appropriate;
- G. If I&RS is provided for children receiving special education, the services shall be coordinated with the child's IEP team, as appropriate (N.J.A.C. 6A:16-8.1) and according to board policy 6171.4 Special Education;
- H. Appropriate instruction shall be provided to children performing below established standards of proficiency to improve their performance (N.J.A.C. 6A:8-4.3(c) and board policy 6171.1 Remedial Instruction);
- I. The liaison shall work with the DCP&P case worker and the appropriate district staff to locate and identify children with disabilities to ensure that children with suspected educational disabilities are evaluated, and to ensure that there are no interruptions in special education and related services. Within 30 days, the district shall either adopt the current IEP or conduct all necessary assessments and develop and implement a new IEP for the student (board policy 6171.4 Special Education and N.J.A.C. 6A:14-4.1(g));
- J. Schools identified as priority and focus schools will work with the Regional Achievement Centers to determine which interventions will be used pursuant to the approved Elementary and Secondary Education Act (ESEA) flexibility waiver;
- K. The liaison, or his or her designee, shall contact the caregiver with district website information and written materials clearly identifying any and all available student support services such as tutoring, summer school, homework help and after school programs;

- L. The liaison, or his or her designee, may offer training to parents and caregivers/caregiver agencies on how to participate in and support the education of children in their care.
- M. Upon enrollment, the liaison or his or her designee shall make a reasonable effort to ascertain the child's past involvement in extracurricular activities and current interests to match the child with available programs, activities, etc.;
- N. Within the first two weeks of enrollment, a list of programs, services, planned events, and extracurricular activities shall be distributed to the child and their parents/caregivers.

Transfer of Records

Records shall be transferred according to the following guidelines:

- 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 district with written notification to the parent or adult student;
- B. Original mandated student records that the board of education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the school districts;
- C. All records to be forwarded, including disciplinary records, shall be sent to the superintendent or his or her designee of the school district to which the student has transferred within 10 school days after the transfer has been verified by the requesting school district;
- D. The superintendent or his or her designee shall request in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;
- E. Upon request, the superintendent or his or her designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and
- F. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity shall be requested at the time of enrollment in a new school district;

District of Residence

The district of residence is responsible for continuing to educate a child within its own district or paying tuition for a child attending school in another district, and for providing for any needed transportation. Five school days after the best interest determination has been made, the district of residence must make arrangements for, and pay the cost of the transportation, wherever the child attends school. The district of residence is determined according to the following:

- A. Placement in a resource family home:
 - 1. When a child was placed in a resource family home prior to September 9, 2010, the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred;
 - 2. When a child was or is placed in a resource family home on or after September 9, 2010, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

- B. Placement in residential State facilities

When a child is placed in a residential State facility, or has been placed by State agencies in a group home, skill development home, private school or out-of-State facility, the district of residence shall be the

present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

Tuition

- A. When a student is transferred into this district and his or her district of residence is other than this district tuition shall be assessed and the business administrator shall be responsible for the following, including but not limited to:
1. The calculation of the tuition rate according to all the provisions of N.J.A.C. 6A:23A-17.1 describing the method of determining the tuition rate including the calculation of the actual cost per student, the estimated cost per student, and the estimated daily average enrollment;
 2. Obtaining certification of the actual cost per student for each tuition category for a given year from the Commissioner;
 3. Establishing by written contractual agreement with the district of residence, a tentative tuition charge for budgetary purposes;
 4. Using the forms prepared by the Commissioner of Education for certification of the actual cost per student for each tuition category for contracts, and for establishing the estimated cost per student for each tuition category for the ensuing school year;
 5. When necessary and appropriate preparing proof that the charge for the use of the school facilities is not adequate and submitting it to the Commissioner for approval of an additional charge for the use of school facilities school facilities.
- B. When this district is the district of residence responsible for paying the student's tuition, the business administrator shall be responsible for the following, including but not limited to:
1. Verifying all the receiving district's documentation related to the calculation of tuition;
 2. Taking the appropriate actions to ensure that the payment of tuition is expedited promptly;
 3. Making the necessary budgetary adjustments to account for district expenses related to tuition.

If the district of residence cannot be determined by DCF, or if a district of residence is outside of the State, or if the child has resided in a domestic violence shelter or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per student cost established by law (N.J.S.A. 18A:7F-24). This amount shall be appropriated in the same manner as other State aid. The Department of Education shall pay the amount to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission.

In the case of a homeless child or a child in a family resource home, the Department of Education shall pay to the school district in which the child is enrolled the weighted base per student amount calculated according to law (N.J.S.A. 18A:7F-49) and the appropriate security categorical aid per student and special education categorical aid per student.

If the State has assumed fiscal responsibility for the tuition of a child in a private educational facility approved by the Department of Education to serve children who are classified as needing special education services, the Department shall pay the tuition to the Department of Human Services, the Department of Children and Families or the Juvenile Justice Commission, as appropriate. In addition, the Department of Education shall pay such aid as required to make the total amount of aid equal to the actual cost of the tuition.

Transportation

The child's district of residence is required to provide for transportation of the child to and from school. When this district is the district of residence as defined by law and board policy (5118.2) the following procedures shall apply:

- A. The liaison shall notify the business administrator and/or transportation director of any changes affecting the student's transportation arrangements;

- B. The business administrator and/or transportation director shall determine if the child is eligible for transportation services and arrange for those services;
- C. To ensure a smooth transition, DCP&P shall be responsible for the provision of, and payment for, transportation for the first five days after the placement decision is made;
- D. The district liaison shall cooperate with the DCP&P caseworker in arranging transportation to and from the school district that the child attends based on the best interest determination at the same time that DCP&P provides its notification. If the child is eligible for transportation and the district agrees to arrange and provide the transportation, the district shall bill DCP&P for the transportation costs for the first five days after the placement decision;
- E. Beginning on the sixth school day after a child's educational placement is determined, the child's district of residence shall be responsible for the provision of any mandated transportation services. Should the district be unable to provide the transportation service at that time, DCP&P will continue to provide transportation and shall bill the district for the additional service;
- F. Problems regarding the arrangements for required transportation shall be referred to the County Office of Education. If the matter cannot be resolved with the assistance of the county office, DCP&P educational liaisons should contact the DCP&P Statewide Educational Stability Administrator.

REGULATION HISTORY

NJSBA Review/Update: April 2022
Adopted: December 14, 2022

CROSS REFERENCES

3541.1	Transportation Routes and Services
5111	Admission
5125	Student Records
5141	Health
5141.3	Health Examinations and Immunizations
5141.21	Administering Medication
6164.1	Intervention and Referral Services
6164.2	Guidance Counseling
6164.4	Child Study Team
6171.1	Remedial Instruction
6171.4	Special Education

PRIMARY RESOURCES

Resource 1 *Improving the Educational Outcomes of Children in Out-of-Home Placements: an Interagency Guidance Manual*, published by the New Jersey Department of Children and Families, 2014.
(find at: <http://www.nj.gov/education/students/safety/edservices/stability/>)

TRANSFERS

General

All transfers into the schools of the district shall be in accord with file code 5111 Admission. Students transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Parents/guardians of students or adult students transferring from the district shall notify the principal in a timely manner of their intention to leave the district.

Student records shall be transferred between superintendents within the time frame prescribed by law.

Intradistrict Transfers

When a school in the district is identified for comprehensive support and improvement as defined by the New Jersey Department of Education, parents/guardians shall be informed of options for students in that school. This may include the option of transferring to another school in the district. Notices to parents/guardians shall list the possible accepting schools and describe information on their performance. Only schools that have achieved adequate yearly progress shall be included on the list.

The lowest-achieving students from the lowest-income families, as identified through federal free or reduced-price lunch statistics, shall be given priority in transferring.

Funding of transportation shall not exceed the limits described in Every Student Succeeds Act of 2015. Students may remain in the school into which they have transferred until they have completed the highest grade in that school.

NOTE: THIS SECTION APPLIES TO TRANSFERS THAT OCCUR IN RESPONSE TO DESIGNATION OF A SCHOOL AS "PERSISTENTLY DANGEROUS" OR A STUDENT VICTIM OF A VIOLENT CRIMINAL OFFENSE.

Unsafe School Choice Option

If a school in the district is identified as "persistently dangerous" by the State Department of Education, all students in that school shall be offered on a space available basis the option of transferring into another school in the district that has not been so designated. Parents/guardians shall be notified within 15 calendar days after the district is notified of the school's status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into schools in the district that are making adequate yearly progress. Students may remain in the school into which they have transferred until the school of origin is no longer identified as "persistently dangerous."

In addition, any student who becomes a victim of a violent criminal offense while in school or on school grounds shall be offered the option of transferring into a safe school within the district. The student shall be given the option within 10 days of the incident, and the transfer shall occur within 30 days of determination that the student was a victim. Applicable definitions and criminal offenses shall be as listed in the statewide policy.

Transportation shall not be provided to students transferring out of "persistently dangerous" schools and student victims of violent criminal offenses.

If the board cannot offer a safe school alternative within the district to students choosing to transfer out of a "persistently dangerous" school or to a student who has been a victim of a violent criminal offense, the

TRANSFERS (continued)

superintendent shall attempt to establish an agreement with a neighboring district. The board shall review and approve any agreement prior to its application.

The superintendent shall ensure that the district complies with all requirements of federal law and the state department of education. He/she shall prepare regulations to implement this policy.

Adopted: December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Transfers, Persistently Dangerous Schools, Victims of Violent Crimes

Legal References:

<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:36-25.1	Proof of child's identity required for enrollment; transfer of record between districts
<u>N.J.S.A.</u> 18A:36B-1 <u>et seq.</u>	<u>Interdistrict Public School Choice Program Act of 1999</u>
<u>N.J.S.A.</u> 18A:38-8	Duty to receive students from other districts
<u>N.J.A.C.</u> 6A:12-3.2	Criteria to guide the Commissioner's approval of choice program applications
<u>N.J.A.C.</u> 6A:23A-19.2	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:32-8.2	School enrollment

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible

Cross References:

*5111	Admission
*5125	Student records
*5131	Conduct/discipline
*5131.5	Vandalism/violence
*5141.3	Health examinations and immunizations

*Indicates policy is included in the Critical Policy Reference Manual.

ASSESSMENT OF INDIVIDUAL NEEDS

Each student shall be assessed upon entrance into the district's schools and beginning in grade three shall be assessed annually thereafter, to identify students not meeting district proficiency levels.

The superintendent shall develop procedures to implement a program of individual student needs assessment that shall include but not be limited to:

- A. Identifying district needs as the basis for development of mandated goals, development of staff inservice programs, selecting and approving instructional materials, staffing;
- B. Identifying and determining the needs of:
 - 1. Gifted and talented students;
 - 2. Students at risk for school failure;
 - 3. Potential dropouts;
 - 4. Students who exhibit one or more potential indicators of dyslexia or other reading disability;
 - 5. Students who require basic skills improvement programs;
 - 6. Students who are English language learners (ELLs);
 - 7. Students who may require formal referral to the child study team for classification.

Policies addressing these specific groups and appropriate educational programs for them are listed in the cross references to this policy.

- C. Disseminating results of such assessments to parents/guardians and to appropriate staff and state and federal agencies as required without invading the privacy of the individual student.

The superintendent/designee shall review all individual assessment procedures annually to ensure that they serve the purposes for which they are intended. At all times, these procedures shall be in full conformity with federal and state law.

Dyslexia Assessment

"Dyslexia" means a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

The board shall select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities.

The board shall ensure that each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using a screening instrument selected by the board. The screening shall be conducted no later than the student's completion of the first semester of the second grade.

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

Students newly enrolling in the district or transferring into the district in kindergarten or grades one through six who exhibit potential indicators of dyslexia or other reading disabilities and who have not been previously assessed, shall be assessed using the board selected age-appropriate screening instruments. Students shall be assessed at the same time as other students enrolled in the student's grade if feasible. If other students enrolled in the student's grade have previously been screened, the assessment shall be conducted within 90 calendar days of the date the student is enrolled in the district.

Potential indicators of dyslexia or other reading disabilities include, but are not be limited to:

- A. Difficulty in acquiring language skills;
- B. Inability to comprehend oral or written language;
- C. Difficulty in rhyming words;
- D. Difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words;
- E. Difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and
- F. Trouble in replication of content.

The screening shall be administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities. If the results of the assessment substantiate that the student possesses one or more potential indicators of dyslexia or other reading disabilities, the student shall receive a comprehensive assessment for the learning disorder. If the diagnosis of dyslexia or other reading disability is confirmed by the comprehensive assessment, appropriate evidence-based intervention strategies shall be provided to the student, including intense instruction on phonemic awareness, phonics and fluency, vocabulary, and reading comprehension.

Adopted: December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Student Assessment; Assessment of Individual Needs; Dyslexia, Reading Disability

Legal References: N.J.S.A. 18A:7A-10

N.J.S.A. 18A:40-5.1

N.J.S.A. 18A:40-5.2

N.J.S.A. 18A:40-5.3

N.J.S.A. 18A:40-5.4

N.J.A.C. 6A:8-3.1 et seq.

N.J.A.C. 6A:8-4.1 et seq.

See particularly:

N.J.A.C. 6A:8-4.1(d),
 -4.3(c)(d), -4.4

N.J.A.C. 6A:8-5.1

N.J.A.C. 6A:10-1.1 et seq.

Quality Single Accountability Continuum for evaluating school performance

Definitions relative to reading disabilities

Distribution of information on screening instruments

Screening for dyslexia, other reading disabilities

Comprehensive assessment for learning disorder

Implementation of the New Jersey Student Learning Standard

Implementation of the Statewide Assessment System

Graduation requirements

Educator effectiveness

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

<u>See particularly:</u>	
<u>N.J.A.C. 6A:10-2.4</u>	Evaluation procedures for all teaching staff members
<u>N.J.A.C. 6A:10-5.1 et seq.</u>	Components of principal evaluation
<u>N.J.A.C. 6A:10-8.1</u>	Evaluation of the superintendent
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:14-1.3, 3.3, 3.4, 3.8, 4.10, 4.11,</u>	
<u>N.J.A.C. 6A:15-1.1 et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:15-1.3, -1.10, -1.11</u>	
<u>N.J.A.C. 6A:16-8.1</u>	Establishment of intervention and referral services
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-2.1</u>	Definitions

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

<u>Cross References:</u>	
*1100	Communicating with the public
*1120	Board of education meetings
*2240	Research, evaluation and planning
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5111	Admission
5119	Transfers
*5124	Reporting to parents/guardians
*5125	Student records
*6010	Goals and objectives
*6141	Curriculum design/development
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6160	Instructional services and resources
6161	Equipment, books and materials
*6161.1	Guidelines for evaluation and selection of instructional materials
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

School report card program
General mandatory powers and duties
Student promotion and remediation; policies and procedures
Reporting of students under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and

REPORTING TO PARENTS/GUARDIANS (continued)

	referral
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:8-4.3	Accountability
<u>N.J.A.C.</u> 6A:8-4.5	Public reporting
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:14-1.1, -2.3, -2.4, -2.5, -2.6, -2.7, -2.8 -3.5, -3.6, -7.9	
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:15-1.13, -1.15	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-7.1(d, k)	General considerations

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

<u>Cross References:</u>	*1000/1010	Concepts and roles in community relations; goals and objectives
	*1120	Board of education meetings
	*1250	Visitors
	*2224	Nondiscrimination/affirmative action
	*3542.31	Free or reduced-price lunches/milk
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5125	Student records
	*5126	Awards for achievement
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.3	Health examinations and immunizations
	*5142	Student safety
	*5145.12	Search and seizure
	*5200	Nonpublic school students
	*6010	Goals and objectives
	*6142.1	Family life education
	*6142.2	English as a second language; bilingual/bicultural
	*6145	Extracurricular activities
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6146	Graduation requirements
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.1	Remedial instruction
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*6173	Home instruction
	6174	Summer school
	6178	Early childhood education/preschool

REPORTING TO PARENTS/GUARDIANS (continued)

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5125

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

Policy

STUDENT RECORDS

The Salem City Board of Education shall conform in all respects to the requirements of state and federal law regarding gathering, maintaining, securing, disclosing, allowing access to and destruction of student records.

The superintendent shall be responsible for the security of student records maintained in the school district. He/she shall formulate and the board shall review administrative procedures to guarantee the safety and security of all student records, and to provide authorized persons and organizations access to these records at a convenient place and time within the limits stipulated by law, i.e., within 10 days of the request but prior to any review or hearing conducted in accordance with State Board of Education regulations.

Student records shall include all those mandated by the New Jersey administrative code or state statutes, or authorized by administrative directives, and such permitted records as the board of education shall authorize by resolution at a regular public meeting in order to promote the educational welfare of the student. Records so authorized must comply with code standards as to relevance and objectivity.

The board of education shall report annually at a public meeting a description of the types of student records it has authorized certified school personnel to collect and maintain.

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 originator of the record.

All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.

Parents/guardians and adult students shall be notified annually in writing of their rights in regard to student records. Such rights include:

- A. Notification of rights in writing, in dominant language of parent/adult student, if possible. When the parent or adult student's dominant language is not English, or the parent/adult student is deaf, the district shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody to notify the district that the right to review student records should be denied the person whose rights have been terminated;
- D. Parents/guardians or adult students have the right to seek to include in the records material they think pertinent or to seek exclusion from the records of material that is untrue, irrelevant to the student's present educational situation or otherwise improperly contained in the student's record. Parents/adult students have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the district's granting or denial of access to the student's records.

The superintendent shall devise procedures to review such requests. These procedures shall include an appeal process as required by New Jersey administrative code.

Student Information Directories

STUDENT RECORDS (continued)

The district shall compile, publicize, and make available a "student information directory" as defined in the administrative code. Such directory information and school facilities shall be available to educational, occupational and military recruiters as required by law.

The district must notify parents/guardians and adult students annually in writing of their rights in regard to student participation in educational, occupational and military recruitment programs.

Such rights include:

- A. Notification of these rights in writing, in dominant language of parents/guardians or adult student;
- B. A 10-day period in which to submit a written statement to the superintendent prohibiting the district from including any or all types of information about the student in any student information directory before allowing access to such directory and school facilities to educational, occupational and military recruiters pursuant to statute;
- C. A 10-day period to submit a written statement to the superintendent excluding information from any school directory for official use;
- D. Copies of applicable state and federal laws and local policies will be made available on request.

District Review of Student Records

The superintendent shall require all permitted student records of students currently enrolled in the regular educational program to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. The reviewer shall cause to be deleted from the records data no longer descriptive of the student or educational situation.

Such information shall be destroyed and shall not be recorded elsewhere nor shall a record of such deletion be made.

Such data may not be removed from the record of a disabled student without prior parental notice.

Records of Classified Students

All records of disabled students shall be maintained in accordance with administrative code and established procedures that will ensure proper accessibility and confidentiality.

A special confidential file shall be maintained listing the code numbers assigned to disabled students on whose behalf the board of education must take public action. Motions concerning disabled students shall be anonymous and refer to this confidential file. This shall be maintained in accordance with N.J.A.C. 6A:32-7.

Parents/adult students or designees shall be permitted to inspect and review the contents of the student's record maintained by the district without unnecessary delay and before any meeting regarding the student's IEP. Any consent required for disabled students under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C. 6A:14-2.3.

Transfer of Student Records

- A. The superintendent shall request records of a newly enrolled student from the district of previous attendance as soon as possible after enrollment, but in any case, within the time limit prescribed by the administrative code;
- B. The superintendent shall forward mandated student records as soon as possible upon receipt of the request from the superintendent of the district to which the student has transferred, but in any case, within

STUDENT RECORDS (continued)

the time limit prescribed by the administrative code. Permitted records shall be forwarded in the same manner at the same time if parental permission was given at the time the student's parents/guardians informed the district of the transfer;

- C. All records of students moving into any sending district of the Salem City School District in grades 9 through 12 shall be transferred in a secure and orderly fashion at the mutual convenience of the two superintendents.

Permitted Access to Student Records

A nonadult student may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose student records to nonadult 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.

A parent/guardian or adult student shall either have access to or be specifically informed about only that portion of another student's record that contains information about his/her own child or himself/herself.

A student record may be withheld from a parent of a student under 18 or from an adult student only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld.

The board shall limit access to, disclosure of and communication regarding student records and health records to authorized organizations, agencies or persons as defined by code.

Particular attention shall be paid to the development of procedures whereby student records are made accessible to assigned secretarial and clerical staff in the performance of their duties, and to compliance with requirements for the security of computerized student records that will limit access to authorized persons. Limited access shall be granted to secretarial and clerical personnel under the direct supervision of certified school personnel to those portions of the record and to the extent necessary to record data and conduct routine clerical tasks.

School personnel are not prohibited from disclosing information in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with this policy all individuals shall adhere to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 20 U.S.C. 1232g; 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

Conditions of Access

No student record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record. Those from outside the school whose access requires consent of parents/adult students must submit the request in writing, together with any required authorization, to the superintendent/designee. District regulation shall be developed in accordance with code to ensure that records are not altered, damaged or lost during inspection, and that records of access granted are complete.

Retention and Destruction of Records

The superintendent shall develop regulations in accordance with the administrative code concerning retention and destruction of student records. No additions may be made to the record after the graduation or permanent departure of a student without the prior written consent of the parent/adult student.

New Jersey district of last enrollment must keep in perpetuity: name, name of parents/guardians, date of birth, gender, citizenship, address, phone number, health history and immunization, standardized assessment

STUDENT RECORDS (continued)

and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Liability

Liability shall not be attached to any member, officer or employee of the board of education permitting access or furnishing student records in accordance with these rules and regulations. It shall be the responsibility of the superintendent to keep abreast of all changes in state and federal law and regulation concerning student records.

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Student Records, Student Records, Records, Special Education Student Records

<u>Legal References:</u> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 18A:36-19</u>	Student records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
<u>N.J.S.A. 18A:36-19.1</u>	Military recruiters; access to schools and student information directories
<u>N.J.S.A. 18A:36-35</u>	Disclosure of certain student information on Internet prohibited without parental consent
<u>N.J.S.A. 18A:40-4</u>	Examination for physical defects and screening of hearing of students; health records
<u>N.J.S.A. 18A:40-19</u>	Records and reports of tuberculosis testing; disposition; inspection
<u>N.J.S.A. 26:5C-7 through -14</u>	Acquired Immune Deficiency Syndrome
<u>N.J.S.A. 47:1A-1 et seq.</u>	Examination and copies of public records (<u>Open Public Records Act</u>)
<u>N.J.S.A. 47:3-15 et seq.</u>	Destruction of Public Records Law
<u>N.J.S.A. 52:17B-9.8a through -9.8c</u>	Marking of missing child's school record
<u>N.J.A.C. 6A:8-4.2</u>	Documentation of student achievement
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>See particularly:</u> <u>N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9</u>	
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u> <u>N.J.A.C. 6A:16--2.2, -2.4, -3.2, -5.4, -6.5, -7.10, -11.1</u>	
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-2.1</u>	Definitions
<u>N.J.A.C. 6A:32-7.1 et seq.</u>	Student records
<u>N.J.A.C. 6A:32-8.1</u>	School register
<u>N.J.A.C. 8:61-2.1</u>	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
<u>N.J.A.C. 15:3-2</u>	State records manual

STUDENT RECORDS (continued)

20 U.S.C.A. 1232g - Family Educational and Privacy Rights Act

42 U.S.C.A. 4541 et seq. - Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1980

42 CFR Part II

Owasso Independent School District No. I-001 v. Falvo, 534 U.S. (2002)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible**Cross References:**

*1110	Media
*1120	Board of education meetings
3543	Office services
*3570	District records and reports
*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5142	Student safety
*6145.1/6145.2	Intramural competition; interscholastic competition
*6147.1	Evaluation of individual student performance
*6164.2	Guidance services
*6171.4	Special education
*9322	Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

AWARDS FOR ACHIEVEMENT

General

The Salem City Board of Education believes that student achievement should be recognized at all levels in a manner appropriate to the student's accomplishment.

The Salem City Board of Education directs the superintendent to develop standards, criteria and procedures for presenting awards to students for scholarship and outstanding accomplishments in the arts, athletics and citizenship. The superintendent shall assure that all eligible pupils are offered an equal opportunity to meet those standards and provide for appropriate recognition ceremonies and awards.

The superintendent shall review and advise the board on acceptance of proposed trophies, prizes, scholarships or other awards from nonschool donors. Any such proposed award shall be free from bias as outlined in the district's affirmative action policies.

Criteria regarding eligibility and selection for awards shall be disseminated annually to all students and parents/guardians.

Academic Recognition

The board directs the superintendent to establish criteria and procedures for placing students on academic honor rolls.

The board will maintain membership in the National Honor Society and will follow the guidelines of that organization in selecting members from the pupils in this district.

Athletic Participation

The board wishes to recognize the achievements of students who give many hours of their time to represent the school in interscholastic athletics. Requirements for awards in each sport shall be decided by a committee composed of coaches, athletic director and principal.

Service Participation

School service groups shall be recognized for participation in order to emphasize the importance of good citizenship in school life as outlined in the course of study.

Adopted: February 14, 2005, December 12, 2007, December 12, 2018
NJSBA Review/Update: April 2022
Readopted: December 14, 2022

Key Words

Awards, Student Achievement Awards, Academic Awards, Athletic Awards, Honor Roll

Legal References: N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:71A-9 Higher education; student assistance authority

AWARDS FOR ACHIEVEMENT (continued)**Possible**

<u>Cross References:</u>	*1322	Contests for students
	*3280	Gifts, grants and bequests
	*5120	Assessment of individual needs
	*5125	Student records
	*5127	Commencement activities
	*5131	Conduct/discipline
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6147	Standards of proficiency

*Indicates policy is included in the Critical Policy Reference Manual.

COMMENCEMENT ACTIVITIES

The Salem City Board of Education endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the superintendent and approved by the board.

Graduation shall not occur prior to completion of the required 180 days of student instruction.

Guidelines for Graduation Year Activities

Student participation in special graduation year activities will require conduct of the highest caliber in all school situations.

Criteria for exclusion from these activities concern consistent behavioral patterns and shall include, but not be limited to:

- A. Consistent involvement in disciplinary action(s);
- B. Suspension.

No student shall be barred from participation for arbitrary or discriminatory reasons. The final decision shall be made by the superintendent.

Students and parents/guardians shall be given advance notification of these criteria.

Voting Information and Registration

Prior to graduation, the board of education shall provide a voter registration form and material describing the role of a citizen and the importance of voting to each eligible high school student.

Graduation Procedures and Ceremonies

No student shall be barred from participation in graduation ceremonies for arbitrary or discriminatory reasons. A student who may be prevented from participation and his/her parents/guardians shall be so notified in advance and no later than the board meeting prior to graduation.

When a student or his/her parents/guardians experiences financial hardship and is unable to pay the costs of participation in graduation ceremonies, the board shall assume the costs of the following items:

- A. Rental or purchase of cap and gown;
- B. One year book;
- C. Other, as may be determined by the board.

Financial hardship shall be defined by eligibility standards for free and reduced price meals under the state school lunch program.

The board reserves the right to deny participation in graduation activities when extreme circumstances warrant it. Such denial shall be treated in the same manner as a suspension and the student so affected shall be afforded the rights of review provided in policies of this board.

COMMENCEMENT ACTIVITIES (continued)

The board reserves the right to withhold a diploma and transcripts until all fines are paid.

Awarding of Diplomas

A board member shall present a copy of the Declaration of Independence, the Constitution of the United States and the amendments thereto, and the Constitution of the State of New Jersey and the amendments thereto to each student upon graduation from elementary school.

The president of the board of education and/or another designated member of the board shall award the diplomas. Board members and former board members shall be afforded the opportunity to award diplomas to their own children.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

Adopted: February 14, 2005, December 12, 2007, July 8, 2009, March 31, 2010,
December 12, 2018
NJSBA Review/Update: April 2022
Readopted: December 14, 2022

Key Words

Commencement Activities, Graduation Ceremonies, Voting, Voting Registration

Legal References: N.J.S.A. 18A:7C-5.1 Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-18 Books containing organic laws at graduation
N.J.S.A. 18A:36-27 Voting information
N.J.S.A. 18A:37-2 Causes for suspension or expulsion of students
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:8-5.1 et seq. Implementation of Graduation Requirements
N.J.A.C. 6A:16-7.1 et seq. Student conduct

Ballato v. Long Branch Board of Education, 1990 S.L.D. (August 20)

Lee v. Weisman, 112 S. Ct. 2649 (1992)

R.L. v. Kingsway Regional Board of Education, 95 NJAR 2d (EDU) 296

D.C. v. Parsippany Troy Hills Board of Education, 96 NJAR 2d (EDU) 697

DO'G v. Ridgefield Park Board of Education, 96 NJAR 2d (EDU) 820

R.F. v. Park Ridge Board of Education, 97 NJAR2d (EDU) 1

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3d Cir. 1996)

Possible

COMMENCEMENT ACTIVITIES (continued)

<u>Cross References:</u>	*5113	Attendance, Absences and excuses
	*5114	Suspension and expulsion
	*5126	Awards for achievement
	*5131	Conduct/discipline
	*6111	School calendar
	*6115	Ceremonies and observances
	*6141.2	Recognition of religious beliefs and customs
	*6146	Graduation requirements

*Indicates policy is included in the Critical Policy Reference Manual.

CONDUCT/DISCIPLINE

The board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students. The board approved code of student conduct is established to achieve the following purposes:

- A. Foster the health, safety, and social and emotional well-being of students;
- B. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
- F. Establish parameters for consistent responses to violations of the code of student conduct that take into account, at a minimum, the severity of offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors as appropriate.

The board of education expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. Students are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority.

The board of education believes that standards of student behavior must be set cooperatively by interaction among the students, parents/guardians, staff and community, producing an atmosphere that encourages students to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

Board policy requires each student of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The chief school administrator shall provide to students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The chief school administrator shall establish the degree of order necessary to the educational program in which students are engaged.

Code of Conduct

The chief school administrator shall oversee the development of and the board shall approve a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The code of conduct may be based on parent/guardian and student and community involvement. The chief school administrator has the right and authority to impose a consequence on a student for conduct

CONDUCT/DISCIPLINE (continued)

away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

The district code of conduct shall contain:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- B. A description of behaviors that will result in suspension or expulsion;
- C. A description of the students' rights to:
 - 1. Advance notice of behaviors that will result in suspensions or expulsions;
 - 2. Education that supports student development into productive citizens;
 - 3. Attendance in safe and secure school environment;
 - 4. Attendance in school irrespective of marriage, pregnancy, or parenthood;
 - 5. Due process and appeal procedures in accordance with law and board policy;
 - 6. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);
 - 7. Records and privacy protections (5125 Student Records).
- D. A description of comprehensive behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including:
 - 1. Positive reinforcement for good conduct and academic success;
 - 2. Supportive interventions and referral services;
 - 3. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and
 - 4. Behavioral interventions and supports for students with an IEP or accommodation plans.
- E. A description of responses to violations of behavioral expectations that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors that shall:
 - 1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
 - 2. Be consistent with other responses as required by law for serious offences including firearms, weapons and assault offenses;
 - 3. Ensure that the code of student conduct is applied equitably without regard to race, color, religion, ancestry, national origin, nationality, sex, gender, sexual orientation, gender identity or expression, marital, domestic-partnership, or civil-union, mental, physical, or sensory disability, or any other distinguishing characteristic;
 - 4. Be consistent with the provisions of N.J.S.A. 18A:6-1 regarding the corporal punishment of pupils.

CONDUCT/DISCIPLINE (continued)

- F. Expectations and consequences consistent board policies and procedures 5113 Attendance, Absences and excuses and 5131.1 Harassment, Intimidation and Bullying;
- G. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

A student may be denied privileges such as participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions in order to maintain the order and integrity of the school environment.

Student Behavioral Infractions

Students who display chronic behavioral or academic problems may be referred to the child study team by the chief school administrator for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

The chief school administrator or his or her designee shall take appropriate measures to ensure that minority and male students shall not be disproportionately represented in detentions, suspensions, and expulsions.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense in accordance with policy 5131.6 Substance Abuse. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction pending alternative education program placement and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

CONDUCT/DISCIPLINE (continued)

The principal shall be responsible for the removal of such students and shall immediately report them to the chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The chief school administrator shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with N.J.A.C. 6A:16-5.5(i).

Teaching staff members and other employees of this board having authority over students shall take such lawful means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this board.

**Note: The following content on hazing is required for school districts and charter schools with a high school and/or middle school.*

Hazing - Definitions

“Hazing” means conduct in connection with an initiation of applicants to or members of a student or fraternal organization where a person knowingly or recklessly:

- A. Causes, coerces, or otherwise induces another person to commit an act that violates federal or State criminal law;
- B. Causes, coerces, or otherwise induces another person to consume any food, liquid, alcoholic liquid, drug or other substance which subjects the person to a risk of emotional or physical harm or is otherwise deleterious to the person’s health;
- C. Subjects another person to abuse, mistreatment, harassment, or degradation of a physical nature, including, but not limited to, whipping, beating, branding, excessive calisthenics, or exposure to the elements;
- D. Subjects another person to abuse, mistreatment, harassment, or degradation of a mental or emotional nature, including, but not limited to, activity adversely affecting the mental or emotional health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;
- E. Subjects another person to abuse, mistreatment, harassment, or degradation of a sexual nature; or
- F. Subjects another person to any other activity that creates a reasonable likelihood of bodily injury to the person.

Hazing shall not include any reasonable and customary athletic, law enforcement, or military training; contests; competitions; or events (section 1 of P.L.1980, c.169 N.J.S.A. 2C:40-3).

“Organization” means a fraternity, sorority, association, corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, students, or alumni of the organization.

Hazing - Policy

Hazing activities of any type are prohibited at all times regardless of whether the conduct occurs on or off school property or outside of school hours. No student, parent/guardian, coach, sponsor, volunteer, or district employee shall plan, direct, encourage, assist, permit, condone, ignore, or tolerate any form of hazing.

CONDUCT/DISCIPLINE (continued)

The board shall ensure that students are informed of this anti-hazing policy, including the rules, penalties, and program of enforcement under the policy. The policy shall be posted on the accessible district Internet website.

Reporting Hazing

Hazing is a disorderly persons offense. However, hazing is a crime of the third degree if an actor commits an act defined by law (section 1 of P.L.1980, c.169 N.J.S.A. 2C:40-3) which results in death or serious bodily injury to another person and is a crime of the fourth degree if the actor commits an act which results in bodily injury to another person. Local law enforcement shall be contacted.

In addition to any other sanctions or penalties that the district and/or local law enforcement may impose, a student or fraternal organization, that knowingly or recklessly promotes or facilitates a person to commit an act of hazing prohibited by board policy and law, shall be subject to a fine of not less than \$1,000 or more than \$5,000 for an initial violation, and a fine of not less than \$5,000 or more than \$15,000 for each subsequent violation.

Students, parents/guardians, administrators, coaches, volunteers, and district employees should immediately report hazing conduct to the building principal or their designee. All complaints of hazing shall be investigated promptly by the chief school administrator or his or her designee.

A person, student or fraternal organization, and another person acting in concert with the person, organization, or institution, shall be immune from prosecution if the person, or an employee, officer, or other agent acting on behalf of the organization or institution, as the case may be:

- A. Called 9-1-1, or otherwise contacted school security, police, or emergency services, and reported that a person was in need of medical assistance due to an act of hazing;
- B. The caller provided the caller's name and, if applicable, the name of the person acting in concert with the caller to the 9-1-1 operator or other recipient of the emergency contact;
- C. The caller was the first to make the 9-1-1 report or other emergency report; and
- D. The caller and, if applicable, the person acting in concert with the caller remained on the scene with the person in need of medical assistance until assistance arrived and cooperated with the emergency services on the scene.

In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer or other official empowered to act as an officer for the arrest of offenders against the laws of this State, or a prosecutor, who, acting in good faith, arrested or charged a person who is thereafter determined to be entitled to immunity from prosecution shall not be subject to any civil liability for the wrongful arrest or charge.

Discipline

Individuals and/or groups found to have committed or participated in hazing another student or students shall be subject to disciplinary action.

The penalties for violations of the hazing policy may include:

- A. The withholding of diplomas or transcripts pending compliance with the rules;
- B. The rescission of permission for the organization or group, whose student members are being

CONDUCT/DISCIPLINE (continued)

penalized under the anti-hazing policy, to operate on school property or to otherwise operate under the sanction or recognition of the school district; and

- C. The imposition of probation, suspension, dismissal, or expulsion.

A penalty imposed on a student found to have committed or participated in hazing another student or other students shall be in addition to penalties imposed for violating the code of student conduct or any other school rule which the violator may be subject to. This policy shall apply to each act conducted on or off school property if the acts are deemed to constitute hazing.

Harassment, Intimidation or Bullying

The board expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation or bullying against any student in accordance with board policy 5131.1 Harassment, Intimidation and Bullying, and law.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, that takes place on school grounds, at any school-sponsored function or on a school bus.

Students with Disabilities

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP and accommodation plans. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all students with disabilities.

CONDUCT/DISCIPLINE (continued)Policy and Procedure Development, Review and Dissemination

The standards and procedures developed to implement this policy shall be aligned with the board approved code of student conduct and accepted board approved core ethical values. Policies, standards and procedures shall be based on parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1.

This policy shall be reviewed annually and updated along with the code of student conduct. This process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Consideration of the findings of the biannual reports of student conduct, suspensions and expulsions; and incidences reported under the Student Safety Data System (SSDS).

Implementation

The chief school administrator shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

The board shall review and update the code of student conduct annually. The code of student conduct shall be disseminated annually to all school staff, students and parents/guardians.

The chief school administrator shall report as required by law to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Student Safety Data System.

Employees shall receive annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the code of student conduct. Information on the code of student conduct shall be incorporated into the orientation for new employees.

Adopted:	December 12, 2007, December 12, 2018
NJSBA Review/Update:	April 2022, March 2023
Readopted:	March 8, 2023

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bully, Bullying,

Legal References:

<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2C:12-1</u>	Definition of assault
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 2C:40-3</u>	Hazing
<u>N.J.S.A. 2C:40-4</u>	Consent, sanction not available as defense
<u>N.J.S.A. 18A:3-27.1</u>	Definitions relative to hazing
<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties

CONDUCT/DISCIPLINE (continued)

<u>N.J.S.A.</u> 18A:25-2	Authority over pupils
<u>N.J.S.A.</u> 18A:36-19a	Student records
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Discipline of Pupils
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:37-13.2, -14	
<u>N.J.S.A.</u> 18A:37-15 <u>et seq.</u>	Harassment, intimidation, and bullying
<u>N.J.S.A.</u> 18A:37-32.2	Policy against hazing for district with high school, middle school
<u>N.J.S.A.</u> 18A:37-32.3	Program for enforcement of policy against hazing
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.4,	
-4.1, -5.1, -5.4, 5.6, 5.7, -6.1,	
-6.2, -7.1, -7.5, -7.7, -7.8	

P.L. 2021, c.208 (S84 S2093 SCS 2R) An Act concerning hazing, amending P.L.1980, c.169, and supplementing chapters 3 and 37 of Title 18A of the New Jersey Statutes

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences

CONDUCT/DISCIPLINE (continued)

4138/4238	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
5000	Concepts and roles in pupil personnel
5010	Personal goals and objectives for pupils
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131.1	Harassment, intimidation and bullying
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

HARASSMENT, INTIMIDATION AND BULLYING

The Salem City Board of Education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board of education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the Salem School District's Code of Conduct. The board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The superintendent shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the superintendent shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board directs the superintendent or his or her appropriately trained and qualified designee to develop detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. "Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

Consequences and Remedial Measures for Acts of Harassment, Intimidation or BullyingStudents

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior; the nature of the student's disability, if any and to the extent relevant; the developmental age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- f. Supportive student interventions, including participation of the intervention and referral services team;
 - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
 - h. Behavioral management plan, with benchmarks that are closely monitored;
 - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
 - j. Involvement of school disciplinarian;
 - k. Student counseling;
 - l. Parent conferences;
 - m. Student treatment; or
 - n. Student therapy.
2. Environmental (Classroom, School Building or School District)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Modifications of schedules;
 - g. Adjustments in hallway traffic;
 - h. Modifications in student routes or patterns traveling to and from school;
 - i. Supervision of students before and after school, including school transportation;
 - j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
 - k. Teacher aides;
 - l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 - m. General professional development programs for certificated and non-certificated staff;
 - n. Professional development plans for involved staff;
 - o. Disciplinary action for school staff who contributed to the problem;
 - p. Supportive institutional interventions, including participation of the intervention and referral services team;
 - q. Parent conferences;
 - r. Family counseling;
 - s. Involvement of parent-teacher organizations;

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

- A. Consequences
 - 1. Admonishment;
 - 2. Temporary removal from the classroom;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

3. Deprivation of privileges;
4. Referral to disciplinarian;
5. Withholding of Increment
6. Suspension;
7. Legal action; and
8. Termination

B. Remedial Measures**1. Personal**

- a. Restitution and restoration;
- b. Mediation;
- c. Support group;
- d. Recommendations of behavior or ethics council;
- e. Corrective action plan;
- f. Behavioral assessment or evaluation;
- g. Behavioral management plan, with benchmarks that are closely monitored;
- h. Involvement of school disciplinarian;
- i. Counseling;
- j. Conferences;
- k. Treatment; or
- l. Therapy.

2. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling;

Reporting Harassment, Intimidation and Bullying Behavior

The superintendent, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying committed by an adult or youth against a student:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

The school administrator shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident. The circumstances of the incident shall be considered conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.

District Anti-Bullying Coordinator

The superintendent shall appoint a district anti-bullying coordinator. The superintendent shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent.

The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety/school climate team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

School Safety/School Climate Team

The board shall form a school safety/school climate team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety/school climate team shall meet at least two times per school year.

The school safety/school climate team shall consist of the principal or his or her designee; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety/school climate team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Other members of the school safety/school climate team who are not authorized to access student records (see board policy 5125 Student Records) shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

Investigating Reported Harassment, Intimidation and Bullying

HARASSMENT, INTIMIDATION AND BULLYING (continued)

To protect the victim, the superintendent shall take into account the circumstances of the incident when communicating with parents/guardians and when following the investigation procedures.

All reported incidents of harassment, intimidation and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
 1. Taking of statements from victims, witnesses and accused;
 2. Careful examination of the facts;
 3. Support for the victim; and
 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
 1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the superintendent.
- F. The superintendent or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
 1. The nature of the investigation;
 2. Whether the district found evidence of harassment, intimidation, or bullying; or
 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.
- G. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The board of education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious or parts of a larger pattern of harassment,

HARASSMENT, INTIMIDATION AND BULLYING (continued)

intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the principal, in conjunction with the school anti-bullying specialist shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school district) responses include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include:

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

Retaliation and Reprisal Prohibited

The board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation or bullying by any student, school employee, board member, contracted service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who

HARASSMENT, INTIMIDATION AND BULLYING (continued)

engages in reprisal or retaliation or false accusation shall be determined by the superintendent and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service;

C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the superintendent after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;
3. Deprivation of privileges
4. Prohibited from access to the school facilities (visitors, vendors, board members, all other people);
5. Classroom or administrative detention;
6. Referral to disciplinarian;
7. In-school suspension during the school week or the weekend;
8. After-school programs;
9. Out-of-school suspension (short-term or long-term);

HARASSMENT, INTIMIDATION AND BULLYING (continued)

10. Legal action;
11. Withholding of Increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);
17. Ethics charges (some administrators, board members).

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;
- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- h. Behavioral management plan, with benchmarks that are closely monitored;
- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- j. Involvement of school disciplinarian;
- k. Counseling;
- l. Conferences;
- m. Treatment; or
- n. Therapy.

2. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling;

Appeal Process

The parent or guardian may request a hearing before the board concerning the written information about a harassment, intimidation, or bullying investigation. The request for a board hearing shall be filed with the board secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from

HARASSMENT, INTIMIDATION AND BULLYING (continued)

the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Approved Private Schools For Students With Disabilities (PSSDs)

The board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSD) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The superintendent shall assign a school anti-bullying specialist to investigate a complaint or report of harassment, intimidation, or bullying, occurring on district school buses, at district school-sponsored functions, and off school grounds involving a student who attends an approved PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full-time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the child study team director, any complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation, or bullying investigation and the results of each investigation. The principal of the approved PSSD shall make this report to the district anti-bullying coordinator and to the student's parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and, discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal of the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate district staff, as necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C. 6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to a harassment, intimidation, or bullying investigation conducted by this district or an approved PSSD in which their child is placed may request a hearing before the board of education concerning the information received about an investigation. Any request for a hearing before the board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation is received by the district and the parents or guardians. The hearing before the board shall be scheduled in collaboration with the approved PSSD and held by the board within 10 business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

HARASSMENT, INTIMIDATION AND BULLYING (continued)Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the New Jersey Student Learning Standards.

Training

A. School Leaders

Any school leader who holds a position that requires the possession of a superintendent, principal, or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

B. Teaching Staff Development

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide (N.J.S.A. 18A:6-112).

C. Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

The board shall annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the New Jersey Student Learning Standards.

Reporting to the Board

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The superintendent will annually submit the report to the Department of Education utilizing the Student Safety Data System (SSDS). The superintendent shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the superintendent shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Program Assessment and Review

Each school and the school district shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, any report(s) and/or finding(s) of the school safety/school climate team(s). The board shall also make any necessary revisions and additions to this policy as required by law. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision.

Publication, Dissemination and Implementation

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The superintendent shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying

HARASSMENT, INTIMIDATION AND BULLYING (continued)

coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The superintendent shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Harassment, Intimidation, Bullying, False Accusation, Retaliation, Reprisal, Conduct, Discipline, Student Conduct

<u>Legal References:</u>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:6-112</u>	Instruction on suicide prevention for public school teaching staff
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-33</u>	Training program; requirements
	<u>N.J.S.A. 18A:17-46</u>	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
	<u>N.J.S.A. 18A:25-2</u>	Authority over students
	<u>N.J.S.A. 18A:26-8.2</u>	School leader defined; training as part of professional development
	<u>N.J.S.A. 18A:36-19</u>	Student records; creation, maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A. 18A:36-19a</u>	Student records (Newly enrolled students; transfers of records, identification)
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Submission of Students to Authority (Discipline)
	<u>N.J.S.A. 18A:37-13 et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-14, -15, -17</u>	Harassment, intimidation, and bullying
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions (students with disabilities)
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development (includes student conduct code)
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-7.1, -7.5, -7.6, -7.7</u>	
	<u>N.J.A.C. 6A:30-1.4 et seq.</u>	Evaluation process for the annual review
	<u>Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989)</u>	United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX --requires actual notice and deliberate indifference.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

Saxe v. State College Area School District 240 F.3d 200 (3rd Cir 2001) A Pennsylvania school district's anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L. W. v. Toms River Regional Schools Board of Education 189 N.J. 381 (2007) The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be judged by whether the district's response met the "reasonable person" test: what would a reasonable person (teacher, supervisor, vice principal, principal, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventive and remedial actions are reasonable in light of the totality of the circumstances.

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences
	4148/4248	Employee protection
	*4231/4231.1	Staff development; inservice education/visitation conferences
	5000	Concepts and roles for students
	5010	Goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Attendance, absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5131	Conduct and discipline
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5132	Dress and grooming
	*5142	Student safety
	5145	Rights
	5145.2	Freedom of speech/expression
	*5145.4	Equal educational opportunity
	*5145.6	Student grievance procedure
	*5145.1	Questioning and apprehension
	*5145.1	Search and seizure
	*6145	Extracurricular activities
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

HARASSMENT, INTIMIDATION AND BULLYING

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions.

The superintendent shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses.

The superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

Definition

Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. "Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Reporting Harassment, Intimidation and Bullying Behavior

The superintendent, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying committed by an adult or youth against a student:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

The school administrator shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident. The circumstances of the incident shall be considered conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.

District Anti-Bullying Coordinator

The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent.

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

The school anti-bullying specialist shall:

- A. Chair the school safety/school climate team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

School Safety/School Climate Team

The school safety/school climate team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Other members of the school safety/school climate team who are not authorized to access student records (see board policy 5125 Student Records) shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

Investigating Reported Harassment, Intimidation and Bullying

To protect the victim, the superintendent shall take into account the circumstances of the incident when communicating with parents/guardians and when following the investigation procedures.

The principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination prior to initiating an investigation, as to whether a reported incident or complaint, assuming all facts presented are true, is a report that qualifies as harassment, intimidation and bullying according to the

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

law (within the scope of N.J.S.A. 18A:37-14).

If the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the incident or complaint is a report outside the scope of the law (N.J.S.A. 18A:37-14) and does not qualify as harassment, intimidation and bullying, this determination may be appealed to the board of education according to the appeal process detailed below. The determination of the board may be appealed to the commissioner of education in accordance with law (N.J.A.C. 6A:3).

When the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the reported incident qualifies as harassment, intimidation and bullying, the report shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
 1. Taking of statements from victims, witnesses and accused;
 2. Careful examination of the facts;
 3. Support for the victim; and
 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
 1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the superintendent.
- F. The superintendent or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
 1. The nature of the investigation;
 2. Whether the district found evidence of harassment, intimidation, or bullying; or
 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.
- G. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)Appeal Process

The parent or guardian may request a hearing before the board concerning the written information about a harassment, intimidation, or bullying investigation. The request for a board hearing shall be filed with the board secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Approved Private Schools For Students With Disabilities (PSSDs)

The board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSD) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The superintendent shall assign a school anti-bullying specialist to investigate a complaint or report of harassment, intimidation, or bullying, occurring on district school buses, at district school-sponsored functions, and off school grounds involving a student who attends an approved PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full-time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the child study team director, any complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation, or bullying investigation and the results of each investigation. The principal of the approved PSSD shall make this report to the district anti-bullying coordinator and to the student's parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and, discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal of the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate district staff, as necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C. 6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to a harassment, intimidation, or bullying investigation

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

conducted by this district or an approved PSSD in which their child is placed may request a hearing before the board of education concerning the information received about an investigation. Any request for a hearing before the board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation is received by the district and the parents or guardians. The hearing before the board shall be scheduled in collaboration with the approved PSSD and held by the board within 10 business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

Reporting to the Board

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

The superintendent will annually submit the report to the Department of Education utilizing the Student Safety Data System (SSDS). The superintendent shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the superintendent shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Program Assessment and Review

Each school and the school district shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, any report(s) and/or finding(s) of the school safety/school climate team(s). The board shall also make any necessary revisions and additions to this policy as required by law. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision.

Publication, Dissemination and Implementation

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The superintendent shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The superintendent shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

Adopted:	December 12, 2018
NJSBA Review/Update:	April 2022
Readopted:	December 14, 2022

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5131.1

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

BICYCLE SAFETY

The Salem City Board of Education regards the use of bicycles for travel to and from school by students as an assumption of responsibility on the part of those students; a responsibility in the care of property in the observation of safety rules and in the display of courtesy and consideration toward others.

The board will permit the use of bicycles by students in grades 3 and above, in accordance with the rules of the district, and only when the student has submitted to the superintendent the written permission of a parent/guardian.

The board will not be responsible for bicycles or helmets that are lost, stolen or damaged. In accordance with law, all children riding a bicycle, even as a passenger, must wear a properly fitted and fastened bicycle helmet. This requirement applies at all times while the bicycle is being operated on any property open to the public or used by the public for pedestrian and vehicular purposes. Any student in violation of the law may have the privilege of riding their bicycle to school revoked. The parent or guardian of that student may also be fined for subsequent offenses. No student riding a bicycle without a helmet will be permitted to remove the bicycle from school property unless accompanied by a parent or guardian. Students are prohibited from operating vehicles or toys that are powered by fuel or battery on the school grounds for any purpose without the express permission of the principal (see board policy 1330 Use of School Facilities).

All students given permission to ride bicycles to and from school are required to:

- A. Be responsible for the care of their bicycle and helmet, and properly rack and lock their bicycle while on school property;
- B. Display courtesy and consideration toward others while riding their bicycles to and from school (i.e. walking their bicycle across roads and amidst pedestrians);
- C. Comply with New Jersey state bicycle laws and regulations;
- D. Observe designated school arrival and dismissal times.

Any student in violation of the law and/or this policy may have the privilege of riding their bicycle to school revoked.

The superintendent or designee shall develop rules and regulations for the operation and parking of bicycles and shall disseminate those rules to all students in the district.

Revised: December 12, 2018
NJSBA Review/Update: April 2022
Readopted: December 14, 2022

Key Words

Bicycle, Bike, Helmet, Bicycle Helmet

Legal References: N.J.S.A. 39:4-10.1 Bicycle and motorized bicycle regulations

Possible

Cross References: *3516 Safety

*5131	Conduct and discipline
*5142	Student safety

*Indicates the policy is included in the Critical Policy Reference Manual.

CAMPUS DISTURBANCES

The Salem City Board of Education is responsible for providing a thorough and efficient system of education for students in this district and is authorized to preserve order so that the system may function properly. Students will not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that their activities do not infringe on the rights of others and do not interfere with the operation of the educational program.

No student shall encourage any other student on or off school property to participate in any protest, march, picketing, or similar activities which cause or result in the disruption of any lawful function or activity of the school to which he/she is assigned or any other school in the school district.

The board will not permit the conduct on school premises of any willful activity engaged in by an individual acting alone or by a group of individuals that interferes with the orderly operation of the educational program or offends the rights of others. The board of education will prosecute any unauthorized person who enters upon school property.

The board specifically prohibits any assembly or expression that materially disrupts instruction; is obscene, slanderous, or grossly prejudicial; advocates the use of dangerous or harmful materials; advocates the use of force or the violation of law or school rules; or advertises goods or services for unauthorized commercial gain.

Disorderly pupils will be disciplined in accordance with law and policy. Staff members who assist pupils in disorderly conduct may be subject to disciplinary measures. Pupils who express dissent should be made aware of the lawful procedures available to them for the resolution of their grievances.

The superintendent shall establish procedures for the prompt resolution of any disorder that occurs on school premises. The building principal shall be responsible for the identification and resolution of disorders in any school building.

Adopted: March 28, 2007, October 10, 2018, December 18, 2022
NJSBA Review/Update: April 2022
Readopted: December 14, 2022

Key Words

Campus Disturbance, Riot

Legal References: N.J.S.A. 18A:25-2 Authority over Students
N.J.S.A. 18A:37-4 Suspension of Students

Possible

Cross References: *3541.33 Transportation safety
*5020 Role of parents/guardians
*5113 Absences and excuses
*5114 Suspension and expulsion
*5124 Reporting to parents/guardians
*5131 Conduct/Discipline
*5131.5 Vandalism/violence

*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

VANDALISM/VIOLENCE

Vandalism

The board of education views vandalism against school property by pupils as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The board believes that pupils should respect property and take pride in the schools of this district. Whenever a pupil has been found to have done willful and malicious damage to property of the board, the principal of the school shall notify the chief school administrator. The board will hold the pupil or his/her parents/guardians liable for the damage caused by him/her.

When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If pupils have taken part in the vandalism, the appropriate administrator shall:

- A. Identify the pupils involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior;
- E. Seek appropriate restitution.

Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by violence, even though not directed toward another person, should be reported by the classroom teacher to the school principal, unless instructed otherwise, so that possible program adjustments may be identified.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the district public school(s) should complete the standard report form and submit it to the school principal who is responsible for preparing the official report to the chief school administrator. Staff will report accurately and not falsify information.

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

VANDALISM/VIOLENCE (continued)

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board(s) shall hold a public hearing at which the chief school administrator reports to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Threats of Violence

The board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate pupil threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the board of education.

Pupils shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Pupils who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

Threat Assessment Team

The board shall direct the establishment of a threat assessment team(s) in each school. The purpose of the team shall be to provide school teachers, administrators, and other staff with assistance in identifying students of concern, assessing those students' risk of engaging in violence or other harmful activities. The team shall also be responsible for delivering intervention strategies to manage the risk of harm for students who pose a potential safety risk, to prevent targeted violence in the school, and ensure a safe and secure school environment that enhances the learning experience for all members of the school community.

The threat assessment team at each school shall be multidisciplinary in membership and, to the extent possible, shall include the following individuals:

- A. A school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling;
- B. A teaching staff member;
- C. A school principal or other senior school administrator;
- D. A safe schools resource officer or school employee who serves as a school liaison to law enforcement; and
- E. The school safety specialist designated pursuant to N.J.S.A. 18A:17-43.3, in the event that the school safety specialist is not already a school administrator or school employee required to be a part of the threat assessment team in accordance with this policy.

Additional school employees may serve as regular members of the threat assessment team or may be consulted during the threat assessment process, as determined appropriate by the team.

This policy shall be consistent with guidelines adopted by the New Jersey Department of Education and include, but not be limited to:

- A. Guidance for students, teachers and all staff regarding the recognition of threatening or aberrant behavior in a student that may represent a threat to the school community;
- B. The designation of members of the school community to whom threatening behavior shall be reported;

VANDALISM/VIOLENCE (continued)

and

- C. Appropriate actions to be taken, including available social, developmental, and law enforcement resources, for students whose behavior is identified as posing a threat to the safety of the school community.

The threat assessment team shall not disclose or disseminate any information obtained during their assessment beyond the purpose for which the information was provided to the threat assessment team, except that the team is authorized to disclose the information to applicable agencies to pursue appropriate action under paragraph C., above, for any student whose behavior is identified as posing a threat to the safety of the school community.

Classified Students

Where a student whose behavior is being assessed has an Individualized Education Program (IEP) or 504 plan, the threat assessment team shall consult with the IEP team or 504 team to determine whether the aberrant behavior is a threat to school safety and is being properly addressed in a manner that is required by N.J.A.C. 6A:14 and all federal and State special education laws.

Training

Each member of the threat assessment team shall participate in training provided by the school safety specialist designated pursuant to N.J.S.A. 18A:17-43.3, that is consistent with the guidelines developed by the New Jersey Department of Education, to ensure that the threat assessment team is able to accurately assess student behavior and to ensure that threat assessment teams do not have a disparate impact on students based on their race, ethnicity, homelessness status, religious belief, gender, gender identity, sexual orientation, or socioeconomic status. The training shall, at a minimum, include training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias.

Nothing in this policy shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the date of the policy's adoption.

Unsafe School Choice Option

The chief school administrator shall comply with all requirements of the Unsafe School Choice Option policy adopted by the State Board of Education for schools in districts that receive funds under the Every Student Succeeds Act of 2015 (ESSA). He/she shall keep the board informed of all state requirements and actions taken to implement the policy.

Particularly, if a school in the district is designated as "persistently dangerous" as defined in the policy, corrective action plans shall be prepared and presented to the board for review. The corrective action plans shall be in the format provided by the Department of Education and shall describe how the schools will reduce the number of incidents of violence as determined by the Student Safety Data System (SSDS).

Likewise, if a student while at school or on school grounds becomes a victim of a violent criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district.

Parents/Guardians shall be informed according to law and policy.

The board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday

VANDALISM/VIOLENCE (continued)

in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

Violence and Vandalism Reporting

The chief school administrator will biannually submit a report utilizing the Student Safety Data System (SSDS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse and harassment, intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(f). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Implementation

The chief school administrator shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

Adopted: December 12, 2007, December 13, 2017, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022, April 12, 2023

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Violence

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2A:53A-15 Liability of parent or guardian for willful destruction of property by infant under 18
N.J.S.A. 2C:39-5 Unlawful possession of weapons
N.J.S.A. 18A:17-46 Act of violence; report by school employee; notice of action taken; annual report,
N.J.S.A. 18A:25-2 Authority over pupils
N.J.S.A. 18A:36-5.1 School Violence Awareness Week
N.J.S.A. 18A:37-1 et seq. Discipline of Pupils
See particularly:
N.J.S.A. 18A:37-2, -2.1
 through -2.5, -3, -7
 through -12
N.J.S.A. 18A:37-13 et seq. Anti-Bullying Bill of Rights Act
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-5.1,
 -5.2, -5.3, -5.5, -5.6, -5.7,
 -6.1

"H.A. v. Warren Hills Regional School District, 1976 S.L.D. 336

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

Every Student Succeeds Act of 2015, Pub. L. 114-95. 20 U.S.C.A. 6301 et seq.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement

VANDALISM/VIOLENCE (continued)

Officials

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*3250	Income from fees, fines, charges
	3517	Security
	*4131/4131.1	Staff Development, Inservice Education, Visitations, Conferences
	4148/4238	Employee protection
	*5114	Suspension and expulsion
	*5119	Transfers
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	5131.4	Campus disturbances
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6114	Emergencies and disaster preparedness
	*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5131.6

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

Policy

DRUGS, ALCOHOL, STEROIDS, TOBACCO
(Substance Abuse)

It is the responsibility of the board of education to safeguard the health, character, citizenship, and personality development of the students in its schools. The Salem City board of education recognizes that the misuse of drugs, alcohol, steroids, and tobacco threatens the positive development of students and the welfare of the entire school community. The board, therefore, maintains that the use of drugs, alcohol, steroids, and tobacco and the unlawful possession of these substances is wrong and harmful. The board of education is committed to using wellness strategies that encourage the prevention, intervention, and cessation of drug, alcohol, steroid, and tobacco abuse.

The board of education recognizes that tobacco is highly addictive and that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, faculty/staff and visitors. The board acknowledges that adult employees and visitors serve as role models for students. The board recognizes that it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the board recognizes its legal authority and obligation pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act as well as the federal Pro-Children's Act, Title X of Public Law 103-227 and the No Child Left Behind Act, Part C, Environmental Smoke, Section 4303.

Students

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4 et seq.

- A. The board of education prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Students suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A student who uses, possesses, or distributes drugs, alcohol, or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Students suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the board's expense.
- B. The board directs the establishment of a program designed to provide short-term counseling and support services for students who are in care or returning from care for alcohol and other drug dependencies. Pursuant to N.J.S.A. 18A:40A-16 the district shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.

SUBSTANCE ABUSE (continued)Enforcement of Drug-Free School Zones

The board of education recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the executive county superintendent of schools. The Memorandum of Agreement shall be consistent with the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.

Law Enforcement Liaison

In order to ensure that such cooperation continues, the board directs the superintendent to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the district's collective bargaining agreement, if applicable.

Undercover Operations

The board hereby recognizes that the superintendent may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The board hereby authorizes the superintendent to request such intervention under these circumstances. The board recognizes that the superintendent is not permitted to ask the board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The board recognizes that law enforcement authorities may contact the superintendent to request that an undercover operation be established in a district school. The board recognizes that the superintendent is prohibited from discussing the request with the board. The board hereby authorizes the superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school district.

The board directs the superintendent and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The superintendent, principal, or any other school staff or district board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the superintendent shall report to the board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the school principal who, in turn, shall report same to the superintendent. The superintendent shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the superintendent will cooperate with the law enforcement authorities in accordance with the law and

SUBSTANCE ABUSE (continued)

administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The superintendent or the principal shall immediately notify the student's parent/guardian whenever a student is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the superintendent, the superintendent shall report the reason the police were summoned and any pertinent information to the board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in State in re T.L.O. 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O. 569 U.S. 325 (1985) and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the principal shall immediately notify the superintendent who shall immediately, in turn, notify the appropriate law enforcement agency. The principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The principal shall then contact the student's parents/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the superintendent shall request that the law enforcement officials conduct the search, seizure, or interrogation.

Police Presence at Extracurricular Activities

The superintendent is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the superintendent believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

Resolving Disputes Concerning Law Enforcement Activities

The board authorizes the superintendent to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the superintendent shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the board and shall be resolved by the attorney general whose decision will be binding.

SUBSTANCE ABUSE (continued)Confidentiality of Student Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a student's or staff member's involvement in a school intervention or treatment program shall be kept confidential. See 42 CFR 2 and N.J.A.C. 6A:16-6.5.

Tobacco

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

A. Tobacco Use and Possession

1. No student, faculty/staff member or school visitor is permitted to use any tobacco product or electronic smoking device:
 - a. In any building, facility, or vehicle owned, leased, rented or chartered by the district;
 - b. On any school grounds and property—including athletic fields and parking lots—owned, leased, rented, utilized (e.g., adjacent parking lots) or chartered by the board of education;
 - c. At any school-sponsored or school-related event on-campus or off-campus (e.g., field trips, proms, sporting events off campus, etc).
2. In addition, school district employees, school volunteers, contractors or other persons performing services on behalf of the school district (e.g., bus drivers) also are prohibited from using tobacco products at any time while on duty in accordance with their contracts or in the presence of students, either on or off school grounds;
3. Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event, or at any other time that students are under the authority of school personnel.

B. Definition of Tobacco Products, Tobacco Use, and Electronic Smoking Device

For the purposes of this policy:

1. "Tobacco product" is defined to include but is not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products);
2. "Tobacco use" includes smoking, vaping, chewing, dipping, or any other use of tobacco products;
3. "Electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

C. Signage

Signs will be posted in a manner and location that adequately notify students, faculty/staff and visitors about the Comprehensive Tobacco-Free School Policy.

D. Compliance for Students

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly

SUBSTANCE ABUSE (continued)

addictive, the board of education recognizes that intervention rather than punishment is the most effective way to address violations of this policy. Students who violate the school district's tobacco-use policy will be referred to the student assistance coordinators (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. The administration will consult with appropriate health organizations in order to provide student violators with access to an Alternative-to-Suspension (ATS) program. The ATS program will provide up-to-date information on the many consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or has refused to participate in other outlined measures.

E. Compliance for Faculty, Staff, and Visitors

As with students, intervention rather than punishment is the most effective way to address adult violations of this policy. Faculty or staff who violate the school district's tobacco-use policy will be referred to the Employee Assistance Program (EAP) or a tobacco cessation program. Employees who repeatedly violate the policy or do not comply with intervention or cessation referrals may be subject to consequences in accordance with district policy and their contract. Visitors using tobacco products will be informed about the policy and asked to refrain while on school property. Visitors who continue to violate the policy will then be asked to leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property.

F. Opportunities for Cessation

The administration will consult with the county health department and other appropriate health organizations (e.g., American Lung Association, American Cancer Society, etc.) to provide students and employees with information and access to support systems, programs and services (e.g., NJDHSS Quitline 1 866 NJSTOPS (657-8677) and njquitline.org) to encourage them to abstain from the use of tobacco products.

G. Prevention Education

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

H. Procedures for Implementation

The administration will develop a plan for communicating the policy that may include information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage in buildings and around campus. A process that identifies intervention and referrals for students, faculty/staff, and visitors who violate the policy will be created and communicated to all students, faculty/staff and parents.

Ongoing Implementation of this Policy

A. Prevention Education for Students

The board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The superintendent shall prepare and submit to the board for its approval a comprehensive curriculum for such instruction in grades seven through 12 of alcohol and other drug education in

SUBSTANCE ABUSE (continued)

accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 et seq. Drug, alcohol, steroid, and tobacco education shall be integrated with the health curriculum

B. Faculty Education and Inservice Training

All district personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by students and shall respond to those signs in accordance with procedures established by the superintendent. The board of education will provide inservice training to assist teaching staff members in identifying the student who uses drugs, alcohol, steroids, and/or tobacco and in helping students with drug-, alcohol-, steroid-, and tobacco-related problems in a program of rehabilitation. The superintendent will ensure that all district employees receive annual inservice training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

C. Annual Review and Distribution of Policy

The board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the board will consult with the executive county superintendent, local community members, and the county prosecutor's office.

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to students and their parents/guardians at the beginning of each school year. Board policy and procedures shall disseminated be annually to all school staff, students and parents through its website or other means (N.J.A.C. 6A:16-4.2).

D. Administrative Regulations

The superintendent may develop administrative regulations for:

1. A comprehensive program of drug, alcohol, steroid, and tobacco education;
2. The identification and remediation of students involved with drugs, alcohol, steroids, and tobacco;
3. The examination and treatment of students suspected of being under the influence of drugs, alcohol, steroids, or tobacco to determine the extent of the student's use or dependency;
4. The treatment of students who use, possess or distribute drugs, alcohol, steroids, and tobacco in violation of law or this policy through referral to an appropriate drug/alcohol/tobacco abuse program as recommended by the department of health; and
5. The readmission to school and treatment of students who have been convicted of drug, alcohol, steroid, or tobacco offenses.

E. Reporting and Liability

The superintendent will biannually submit a report utilizing the Student Safety Data System (SSDS) accurately reporting on each incident of violence, vandalism including harassment, intimidation and bullying, and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

At a biannual hearing the superintendent shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

Any staff member who reports a student to the principal or his/her designee in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.

SUBSTANCE ABUSE (continued)

F. Confidentiality Requirements

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

G. Parental Compliance

Substance abuse in the district is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.

Adopted: February 14, 2005, December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

Legal References: N.J.S.A. 2A:62A-4

Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability

N.J.S.A. 2C:29-3a

Hindering apprehension or prosecution

N.J.S.A. 2C:33-15

Possession or consumption of alcoholic beverage by person under legal age, penalty

N.J.S.A. 2C:33-16

Alcoholic beverages; bringing or possession on school property by person of legal age; penalty

N.J.S.A. 2C:33-17

Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions

N.J.S.A. 2C:33-19

Paging devices, possession by students

N.J.S.A. 2C:35-1 et seq.

New Jersey Comprehensive Drug Reform Act of 1987

See particularly:

N.J.S.A. 2C:35-7, -10

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

Definitions

N.J.S.A. 9:6-1 et seq.

Abuse abandonment, cruelty, and neglect of child; what constitutes

N.J.S.A. 9:17A-4

Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality

N.J.S.A. 18A:25-2

Authority over students

N.J.S.A. 18A:36-19.2

Student locker or other storage facility; inspections; notice to students

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

Submission of students to authority

N.J.S.A. 18A:37-2

Causes for suspension or expulsion of students

N.J.S.A. 18A:38-25

Attendance required of children between six and sixteen, exceptions

N.J.S.A. 18A:38-31

Violation of article by parents or guardian, penalties

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

Substance abuse

See particularly:

N.J.S.A. 18A:40A-1, -2, -3, -4, -5, and -9

N.J.S.A. 18A:40A-22 to -25

Random student drug testing

SUBSTANCE ABUSE (continued)

- N.J.S.A. 24:21-2 Definitions (New Jersey controlled dangerous substances)
- N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
- N.J.A.C. 6A:8-3.1 Curriculum and instruction
- N.J.A.C. 6A:9B-14.2 Student assistance coordinator
- N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
- N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
- See particularly:
- N.J.A.C. 6A:16-4.4 Voluntary policy for random testing of student alcohol or other drug use.
- See also:
- N.J.A.C. 6A:16-1.3, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1 -6.5
- Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308
- Regulations Under Drug Free Workplace Act, C.F.R. 4946 (1/31/89)
- 42 C.F.R. Part 2--Confidentiality of alcohol and drug abuse patient records
- F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382
- G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987 S.L.D. April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2
- State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).
- State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)
- Honig v. Doe 484 U.S. 305 (1988)
- Vernonia School District v. Acton, 515 U.S. 646 (1995)
- In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)
- Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. (2002)
- Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.
- The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
- A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible**Cross References:**

- *1120 Board of Education Meetings
- *1330 Use of school facilities
- *1410 Local units
- *4131.1 Inservice education/visitations/conferences
- *4231.1 Inservice education/visitations/conferences
- *5114 Suspension and expulsion

SUBSTANCE ABUSE (continued)

*5124	Reporting to parents/guardians
*5125	Student records
*5131	Conduct/discipline
*5131.7	Weapons and dangerous instruments
*5141.3	Health examinations and immunizations
*5141.21	Administering medication
*5145.12	Search and seizure
*6145.1/6145.2	Intramural competition; interscholastic competition
6145.7	Social events/meetings
*6154	Homework/makeup work
*6172	Alternative educational programs
*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

SUBSTANCE ABUSE
COMPOSITE 7-12

In accordance with board policy, the following procedures are established for the instruction of students in drug, alcohol, tobacco, and steroid abuse; the evaluation and treatment of students who possess drugs, alcohol, tobacco and steroids and for students who are suspected or found to be under the influence of drugs, alcohol, tobacco and/or steroids.

Instruction

- A. Teachers shall be guided by the drug, alcohol, tobacco, and steroid program approved by the board of education as a part of the health education curriculum in accordance with state board rules and department of education guidelines.
- B. Teachers and administrators will be requested to evaluate annually the effectiveness of the drug, alcohol, tobacco and steroid education programs.

Reporting, Notification, and Examination Procedures for Students Suspected of Being Under the Influence

Teaching staff members will be alert to the signs of a student's involvement with drugs, alcohol, or steroids including; impaired health or fatigue; excessive truancy or tardiness; lower grades; depressed appetite or loss of weight; appetite extremes, such as loss of appetite; eyes that are bloodshot, watery, extremely wide, or have extremely small pupils; an unusual body or breath odor; needle tracks; a change in attitude, personality, temperament, appearance, or peer groups; and mental confusion. A behavior checklist is provided for each referral that is made with reference to possible drug, alcohol or steroid use.

Concerns over student use of chemicals outside of school and away from school-related activities may be passed on, via use of the referral and/or behavior checklist, to a core team member, guidance counselor, substance awareness coordinator, the school nurse or any administrator who can follow through on the process of investigating nonemergency cases of suspected drug, alcohol, or steroid involvement.

Alcohol and Controlled Dangerous Substances

In instances involving intoxication either in school or at a school-sponsored activity by alcoholic beverages, controlled dangerous substances or any chemical or chemical compound as identified in N.J.A.C. 6A:16-4.1(a), the following shall apply:

- A. Any professional staff member to whom it appears that a student may be under the influence of alcoholic beverages or other drugs on school property or at a school function shall report the matter as soon as possible to the school nurse or medical inspector and the principal. In the absence of the principal, his/her designee shall be notified; and in instances where the school nurse, medical inspector or the principal are not in attendance, the staff member responsible for the school function shall be immediately notified.
- B. The principal or his/her designee shall immediately notify the parent/guardian and the superintendent and arrange for an immediate examination of the student. The examination may be performed by a physician selected by the parent/guardian or by the medical inspector. If the chosen physician is not immediately 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. If available, a parent/guardian should also accompany the student.

SUBSTANCE ABUSE (continued)

- C. If, at the request of the parent/legal guardian, the medical examination is conducted by a physician other than the medical inspector, such examination shall not be at the expense of the district board of education.
- D. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.
- E. A written report of the medical examination shall be furnished to the parent/guardian of the student, the principal and the superintendent by the examining physician within 24 hours.
- F. If the written report of the medical examination is not submitted to the parent/guardian, principal and superintendent within 24 hours, the student shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.
- G. If there is a positive diagnosis from the medical examination indicating that the student is under the influence of alcoholic beverages or other drugs, the student shall be returned to the care of a parent/guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent/guardian of the student, the principal and superintendent from a physician who has examined the student to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the student's physical and mental ability to perform in school. In addition, the staff member shall complete the violence, vandalism and substance abuse incident report.
- H. A student will be disciplined in accordance with guidelines outlined in the discipline procedure manual when involved in drug-related activities while in school or involved in a school-sponsored activity.
- I. The student and parent/guardian will be advised by the SAC of available counseling and support services in the community which are approved by the county LACADA or the state department of health. Individual referrals will be made as appropriate.
- J. The board of education shall provide for in-house assessment of student drug and alcohol concerns, as well as instruction, counseling, and related services for that student and/or family members. These counseling interventions will be offered by the substance awareness coordinator and/or core team members who are trained in drug and alcohol prevention, intervention, and after-care procedures.
- K. While the student is at home because of disciplinary and/or medical reasons, the child study team will intervene to determine the student's eligibility for home instruction, develop an IEP, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services.
- L. The core team, substance awareness coordinator, crisis counselor, or other staff member assigned to monitor the student's stability, progress, and possible re-entry into the daily school routine shall be responsible to keep all appropriate school personnel informed of the status of the student referral. Staff should work in close cooperation with the student's parents/guardians in an effort to fully support the student.

Anabolic Steroids

In instances involving anabolic steroids:

- A. Whenever any teaching staff member, school nurse or other educational personnel of any public school shall have reason to believe that a student has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a substance awareness coordinator, and to

SUBSTANCE ABUSE (continued)

the principal or, in his or her absence, to his or her designee.

- B. The principal or his/her designee, shall immediately notify the parent/guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the student by a doctor selected by the parent/guardian or by the medical inspector. The student shall be examined as soon as possible for the purpose of diagnosing whether or not the student has been using anabolic steroids.
- C. A written report of that examination shall be furnished by the examining physician to the parent/ guardian of the student and to the superintendent of schools or administrative principal.
- D. If it is determined that the student has been using anabolic steroids, the student shall be interviewed by a substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the student's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the student's teachers and parents/guardians. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.
- E. If it is determined that the student's involvement with and use of these substances represents a danger to the student's health and well-being, the coordinator or other teaching staff member shall refer the student to an appropriate treatment program which has been approved by the Commissioner of Health.

Implementation

- A. Transportation to a physician's office will be provided by the district, if parents/guardians are unable or unwilling to take their child to the physician's office.
- B. Service will be accessed by contacting the student support office.
- C. A minibus will be available within 30 - 60 minutes to transport student(s) who need medical interventions such as drug and alcohol examination, physicals for child study team placements, etc.
- D. A staff member must accompany the student being taken from school for any reason. The bus driver is responsible for transporting the student only.
- E. If the substance awareness coordinator is not available, an assistant principal shall escort the student to the physician's office for drug screening.
- F. No faculty member should transport a student in his/her own car, as coverage for damages incurred is not provided by the district.
- G. A parent/guardian notice of steps for re-entry must be given or mailed to the parents/guardians of students suspected of being "under the influence of drugs and/or alcohol" while in school.
- H. The physician will send the results of the drug screening to the substance awareness coordinator to disseminate to the administration for the implementation of board policies (drug-free school and discipline).

Students Suspected of Possessing, Buying, Selling and/or Distributing Drugs, Alcohol, or Steroids

Whenever it shall appear that a student may be in possession, buying, selling or distributing a controlled dangerous substance, chemicals or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, taken for

SUBSTANCE ABUSE (continued)

purposes other than the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings, the following procedures shall be followed:

- A. School personnel shall report the matter as soon as possible to the school principal, or in his/her absence, to his/her designee.
- B. The school principal, observing all due process procedures, shall then attempt to establish the truth of the actual possession or sale and/or distribution of drugs or alcohol.
- C. If so determined, the principal shall immediately notify the student's parent/guardian and the superintendent.
- D. The law enforcement authorities shall be notified in accordance with provisions established by N.J.A.C. 6A:16-6.1 et seq. In cases where a student has voluntarily requested assistance for a substance abuse concern, and has not been involved in distribution activities, he/she can be protected from disclosure to police if he/she agrees to participate in assessment, evaluation, treatment, counseling support services and/or after-care provided by in-house SAC and/or core team staff; referral to community treatment services may be warranted.
- E. The principal and/or superintendent of schools will initiate referral to the substance awareness coordinator, or to drug and alcohol members of the core team for purposes of documentation of all drug, alcohol, or steroid incidents. The substance awareness coordinator and/or core team will make appropriate student and family referrals to community agencies offering assistance for drug and alcohol related issues.
- F. While the student is at home because of disciplinary and/or medical reasons, a child study team may be convened to determine the student's eligibility for home instruction, develop an IEP, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services.
- G. The violence, vandalism and substance abuse incident report is to be completed by the principal and forwarded to the superintendent of schools.

Recordkeeping Regarding Self-disclosure vs. Discovery of Student Substance Abuse Concerns

- A. In all cases involving drugs, alcohol, or steroids, voluntary student disclosures will be kept confidential and exchange of information will be kept between student, substance awareness coordinator, and core team, and the student support program director. Records will be confidential and kept separate and apart from general student files. These files will be kept locked. Feedback to referral sources will be limited to status of student progress only.
- B. Disciplinary referrals, or cases which involve discovery of student chemical use by students, teachers, administrators, and other staff persons, will be recorded in student disciplinary files. Only the content of student disclosures made thereafter to a substance awareness coordinator or core team member will be kept as a part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom they believe to:
 - 1. Be suicidal;
 - 2. Be assaultive (murder, rape, armed robbery intent);
 - 3. Have been abused;
 - 4. Be under the influence of drugs;
 - 5. Be in need of emergency medical treatment.

SUBSTANCE ABUSE (continued)Transporting Students for District-required Assessments

Those identified as drug and/or alcohol and/or steroid dependent will be referred to a community agency and required to complete a treatment program appropriate to their needs. We will make every effort to provide assessment, intervention and referral, including transportation to and from testing, if necessary, to ensure a thorough and comprehensive response to our students' addiction concerns.

Prohibition of Smoking by Students

Students are not permitted to smoke at any time in school buildings, or anywhere within school boundaries, or on school buses, or when on a school-sponsored trip or activity off school premises. Students are not to carry cigarettes or other smoking materials such as tobacco, pipes or cigarette rolling papers while on school property.

Penalties for Involvement with Drugs, Alcohol, Steroids and/or Tobacco as Per Previously Adopted Policy

All students should be aware that school authorities will take all reasonable steps to prevent the possession and use of drugs, alcohol, steroids, or tobacco on school property and to apprehend those who possess, use, or distribute drugs, alcohol, steroids, or tobacco.

These steps will include:

- A. Locker and desk searches when there is reason to believe that inspection is warranted;
- B. Required urine screening and/or blood test to determine presence of alcohol and other drugs, when observations of student behavioral indicators suggest the possibility of intoxication.

Offense	First Offense	Second Offense	Third Offense
Smoking	<ul style="list-style-type: none"> • Parents/guardians notified; • Suspension and/or referral to SAC for quitting assessment 	<ul style="list-style-type: none"> • Parents/guardians notified; • Suspension; • Referral for counseling; • Law enforcement contacted and possible fine pursuant to <u>N.J.S.A. 26:3D-62</u> (\$250/first offense) 	
Possession of drug paraphernalia not containing any controlled dangerous substance otherwise identified in <u>N.J.A.C. 6A:16-4.1(a)</u>	<ul style="list-style-type: none"> • Parents/guardians notified; • Referral to SAC for assessment; and • Possible referral to core team 	Two-day in-school suspension plus all consequences list for first offense	Out of school suspension plus all consequences list for first offense
Possession of alcohol, drugs, steroids or substances identified in <u>N.J.A.C. 6A:16-4.1(a)</u>	<ul style="list-style-type: none"> • Parents/guardians notified; • 9 day suspension; • Law enforcement contacted 	Expulsion hearing plus all consequences list for first offense	
Under the influence of alcohol, drugs, steroids, or substances identified in <u>N.J.A.C. 6A:16-4.1(a)</u>	<ul style="list-style-type: none"> • Parents/guardians notified; • Immediate medical examination including urinalysis and/or blood test 	Expulsion hearing plus all consequences list for first offense	

SUBSTANCE ABUSE (continued)

	to verify use; and determine extent of use; • 9 day suspension; • Law enforcement contacted • Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use; • Referral to the SAC for treatment, after-care, and reentry plan		
Distribution, transferring, or selling	• Parents/guardians notified; • 10 day suspension and expulsion hearing; • Law enforcement contacted.		

NJSBA Review/Update:

August 2022

Adopted:

December 14, 2022

Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

WEAPONS AND DANGEROUS INSTRUMENTS

The Salem City Board of Education prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while on route to or from school or any school function.

For the purpose of this policy "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1r. The principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-based function shall be immediately removed from the school's regular education program pending a hearing before the board to remove the student from the regular education program for a period of not less than one calendar year.

The principal/designee shall be responsible for the removal of such a student and shall immediately report the removal to the superintendent. The superintendent may modify a student's removal on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the principal/designee immediately. The principal shall immediately inform the superintendent/designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the student involved.

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the board is strictly prohibited and shall result in the student's immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing before the board, the student shall be placed in an alternative education program.

The superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see policies 5114 Suspension and Expulsion and 5131 Conduct/Discipline).

A violence and vandalism report shall be filed whenever a student is found to be in possession of a firearm, other weapon, or dangerous instrument.

Fireworks

Fireworks are illegal in the State of New Jersey. Therefore, no fireworks will be allowed at school or on school properties. Fireworks are considered dangerous and will be treated in the same manner as weapons.

Remotely Activated Paging Devices (Beepers)

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

No student shall bring or possess a remotely activated paging device such as beepers, paging devices, walkie-talkies, audio and other forms of electronic communication during the school day. on any property used for school purposes without the written permission of the board of education or designee. Permission shall not be granted unless and until the student has established a reasonable basis for possessing the device. Violation of this policy shall subject the student to disciplinary action.

Student members of a volunteer fire company or first aid, ambulance or rescue squad may carry remotely activated paging devices provided that:

- A. The student is required to respond to an emergency; and
- B. A copy of the statement by the chief executive officer of the volunteer fire company or first aid, ambulance or rescue squad authorizing the possession of the paging device is in the possession of the student at all times while the student is in possession of the remotely activated paging device.

Cellular Phones

Students are prohibited from using cellular phones in school. If used in school, student cellular phones will be confiscated and safely stored in the school office. Such phones will be returned only to the student's parent/guardian.

Other Electronic Devices

Electronic devices necessary to maintain the medical health of the student are exempt from this policy. If a student requires the use of a medically required electronic device, the student's physician will provide a written description of the device as well as its intended purpose.

Implementation

The Building Principal must be notified of all incidents involving violation of this policy. The Principal will determine appropriate disciplinary action; which may include: confiscation of the electronic communication device, school disciplines, parent letter, parent conference, and/or police involvement.

The board directs the superintendent to develop regulations to implement this policy.

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Weapons, Dangerous Instruments, Violence, Paging Devices, Beepers, Firearms, Cell Phones

Legal References: N.J.S.A. 2A:4A-60 et al.

N.J.S.A. 2C:12-1
N.J.S.A. 2C:33-19
N.J.S.A. 2C:39-1
N.J.S.A. 2C:39-5
N.J.S.A. 2C:39-6
N.J.S.A. 18A:6-1
N.J.S.A. 18A:36-19.2

Disclosure of juvenile information; penalties for disclosure
 Definition of assault
 Paging devices, possession by students
 Definitions
 Unlawful possession of weapons
 Exemptions
 Corporal punishment of students
 Student locker or other storage facility; inspections; notice to students

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

<u>N.J.S.A.</u> 18A:37-1	Submission of students to authority
<u>N.J.S.A.</u> 18A:37-2	Causes for suspension or expulsion of students
<u>N.J.S.A.</u> 18A:37-2.1 through -2.5	Assaults by student upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings ...
<u>N.J.S.A.</u> 18A:37-7 through -12	<u>Zero Tolerance for Guns Act</u>
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsion (special education)
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.3, -5.2, -5.4, -5.5, -5.6, -6.1, -6.2, -6.3(b), -6.4	

P.L. 103-382, Improving America's Schools Act of 1994 Section 1702, Prohibits possession or discharge of a firearm in a school zone, Pub. L. 101-647

Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement (revised, amended)

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

See also Commissioners' Decisions indexed under "Students – Punishment of" in Index to N.J. School Law Decisions

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

<u>Cross References:</u>	*5114	Suspension and expulsion
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5145.11	Questioning and apprehension
	*5145.12	Search and seizure
	*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

MARRIED/PREGNANT AND LACTATING STUDENTS

No student, whether married or unmarried, who is otherwise eligible to attend the district's school(s) shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood. All pregnant students shall be permitted to remain in the regular school program and activities.

No married student who is otherwise eligible to attend the district's school(s) shall be denied an educational program solely because of his/her marital status.

A pregnant student who does not wish to attend regular classes or who is physically unable to do so during her pregnancy may, on her request, be assigned to either a formal alternative educational program or home instruction.

A student who has received an alternate educational program or home instruction for reasons associated with her pregnancy shall be readmitted to the regular school program upon her request and the written statement of a physician that she is physically fit to do so. All alternate educational programs or home instruction for pregnant students shall provide instruction equivalent to the general and/or special education programs as applicable.

A pregnant student under the age of 18 who wishes to withdraw from the district must have the written permission of her parents/guardians.

Lactation Provisions

Students admitted or returning to school following the birth of a child who choose to continue providing their milk for their infants shall receive the accommodations required by law that support their choice to breast feed. Accommodations shall include but shall not be limited to:

A. Milk expression breaks for breastfeeding

The student shall be allowed to breastfeed or express milk during the school day using their normal breaks, study hall and meal times. For time that may be needed beyond the usual break times, the student may request a pass to the school nurse. The school nurse with the consultation of the principal and student's teacher(s) may at the request of the student develop regular schedule accommodation that better support their choice to breastfeed.

B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the student to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If the student prefers, she may also breastfeed in other comfortable locations agreed upon in consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in student's personal cooler.

C. Staff Support

The principal shall ensure that pregnant and breastfeeding students are notified about the district's lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each student's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding students.

MARRIED/PREGNANT AND LACTATING PUPILS (continued)

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

(See the district procedure at 5134 and 4111.1/4211.1 Breastfeeding, Regulation.)

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Married Students, Pregnant Students, Married Students, Pregnant Students

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination prohibited
N.J.S.A. 26:4B-4 Right to breastfeed in public
N.J.S.A. 26:4C-1 Lactation rooms
 through -3
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,-1.7
N.J.A.C. 6A:16-7.1 Code of student conduct

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

P.L.1997, c.101 (C.26:4B-4). Right to Breastfeed in Public

P.L.2019, c.242. Requirements regarding the provision of lactation rooms for nursing mothers.

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References: *5141.3 Health examinations and immunizations
 *5145.4 Equal educational opportunity
 *6145 Extracurricular activities
 *6154 Homework/makeup work
 *6172 Alternative educational programs
 *6173 Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

SUPPORT FOR BREASTFEEDING MOTHERS

The following procedures shall be implemented in each school when a student requests accommodations to support their choice to breastfeed.

School Responsibilities

Breastfeeding students who choose to continue providing their milk for their infants after returning to school shall receive:

A. Milk expression breaks for breastfeeding

The student shall be allowed to breastfeed or express milk during the school day using their normal breaks, study hall and meal times. For time that may be needed beyond the usual break times, the student may request a pass to the school nurse. The school nurse with the consultation of the principal and student's teacher(s) may at the request of the student develop regular schedule accommodation that better support their choice to breastfeed.

B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the student to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If the student prefers, she may also breastfeed in other comfortable locations agreed upon in consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in student's personal cooler.

C. Staff Support

The principal shall ensure that pregnant and breastfeeding students are notified about the district's lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each student's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding students.

D. Signage

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

Student Responsibilities

A. Communication with Teachers

Any student who wishes to express milk during the work period shall keep the school nurse and/or their teachers informed of their needs so that appropriate accommodations can be made to satisfy the needs.

SUPPORT FOR BREASTFEEDING (regulation continued)

The school nurse shall keep the principal informed regarding accommodations requested.

B. Breastfeeding Equipment

The student is responsible for the purchase, maintenance and storage of breastfeeding equipment. The district is not responsible for any lost, broken or stolen private property.

C. Maintenance of Milk Expression Areas

Breastfeeding students are responsible for keeping designated milk expression area clean and using antibacterial wipes to sanitize small areas. Students shall be required to report any large spills to the nurse. Students are also responsible for keeping the general designated lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

D. Milk Storage

Students should label all milk expressed with their name and date collected so it is not inadvertently confused with another mother's milk. Each student is responsible for proper storage of her milk using the school refrigerator or personal storage coolers.

E. Use of Break Times to Express Milk

When more than one breastfeeding mother needs to use the designated lactation room, they can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.

Adopted:	February 14, 2005
Revised:	December 12, 2007
Reviewed/Updated:	December 12, 2018
Readopted:	December 14, 2022

Policy

FUND-RAISING ACTIVITIES

The Salem City Board of Education recognizes the value of having students participate in fund-raising activities, both as individuals and as groups, in order to help defray the cost of certain noncurricular field trips, or other worthwhile programs, or in support of a board approved charitable cause. However, the board will limit the solicitation of funds by and from the pupils of this district in order to protect pupils from unnecessary pressures and the instructional program from disruption.

For purposes of this policy, "student fund raising" shall include the solicitation and collection of money from students for any purpose and shall include the collection of money in exchange for tickets, papers or any other goods or services except those goods and services which are part of a board-approved program of the schools.

The board prohibits the collection of money in school or on school property or at any school-sponsored event by a student for personal benefit. Collection of money by school organizations approved by the board shall be approved by the principal. Collections by organizations outside the schools or by students on behalf of such organizations shall be approved by the superintendent.

The board shall not be responsible for the protection of or the accounting of funds collected from students by organizations outside the schools, by teaching staff members when not required to collect money for a board-approved purpose, and by school-connected organizations. Funds raised by school-sponsored activities shall be deposited in the proper district accounts.

The board prohibits fundraising activities by school-sponsored groups or outside organizations that encourage or require door-to-door solicitation.

Adopted: February 14, 2005, December 12, 2007, December 12, 2018

NJSBA Review/Update: April 2022

Readopted: December 14, 2022

Key Words

Fund Raising, School-connected Organizations

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:19-14	Funds derived from student activities
	<u>N.J.S.A.</u> 18A:20-34	Use of schoolhouse and grounds for various purposes
	<u>N.J.S.A.</u> 18A:23-1	Audit when and how made
	<u>N.J.S.A.</u> 18A:23-2	Scope of audit
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 52:14-15.9c1. <u>et al.</u>	<u>Public Employee Charitable Fund-Raising Act</u>
	<u>N.J.A.C.</u> 6A:23A-16.1 <u>et seq.</u>	Double Entry Bookkeeping and GAAP Accounting n
		Local School Districts
	<u>N.J.A.C.</u> 6A:23A-16.12	Student activity funds
	<u>N.J.A.C.</u> 6A:23A-16.13	School store business practices

Selfridge v. Kinnelon Board of Education, 1977 S.L.D. 522

Possible

Cross References: *1140 Distribution of materials by students and staff

FUND-RAISING ACTIVITIES (continued)

1210	Community organizations
*1230	School-connected organizations
1314	Fundraising by outside organizations
*1330	Use of school facilities
*3400	Accounts
*3450	Money in school buildings
*3453	School activity funds
3571	Financial reports
*3571.4	Audit
*6145	Extracurricular activities
*6153	Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

HEALTH

The Salem City Board of Education believes that good health is vital to successful learning. In order to help district students achieve and maintain good health, the board directs the superintendent to develop student health services that employ professional personnel and interact with both parents/guardians and community health agencies. The program shall include but not be limited to:

- A. Employment of a medical inspector to perform those duties required by law, and to advise the superintendent on all matters affecting the health of students;
- B. Employment of at least one certified school nurse to assist with physical examinations; conduct biennial scoliosis screening; conduct an audiometric screening; maintain student health records; observe and recommend to the principal the exclusion of students who show evidence of communicable disease or who have not submitted acceptable evidence of immunizations; instruct teachers on communicable diseases and other health concerns; train and supervise the emergency administration of epinephrine for school staff who have been designated as delegates; supervise other nursing tasks; provide appropriate response to Do Not Resuscitate (DNR) orders; maintain valid, current Cardiopulmonary Resuscitation (CPR) certification; review and summarize health and medical information for the Child Study Team; write and update annually the accommodation plan under Section 504 for any student who requires one;
- C. Provision of proper and adequate facilities, equipment and supplies for professional health personnel and other staff;
- D. Establishment of a system of student health records in compliance with state law;
- E. Implement the New Jersey Student Learning Standards in physical education, health, family life, safety, and use of drugs, alcohol, tobacco and anabolic steroids; recommendations for appropriate equipment and supplies to teach such courses;
- F. Development of rules and procedures to foster good student health, and periodic dissemination of these rules and procedures to the staff;
- G. Development of a program to provide safe drinking water and otherwise to maintain the buildings, grounds, facilities and equipment of the district in sanitary condition in accordance with law;
- H. Development and enforcement of an eye protection program as required by statute and administrative code;
- I. A regular report to the board on progress and accomplishments in the field of student health;
- J. Health services to staff that support student health;
- K. Provision of emergency services for injury and sudden illness;
- L. Provision for required physical examinations including an examination to certify that a student returning to school after suffering a contagious/infectious condition or illness is no longer a threat to the health of others;
- M. Development of all regulations and procedures necessary for evaluation of students suspected of being under the influence of drugs/alcohol, tobacco or anabolic steroids;

HEALTH (continued)

- N. Encouragement of correction of defects through fully informing students and parents/guardians concerning the findings of health examinations for scoliosis;
- O. Preparation for the potential disruption of a pandemic flu outbreak, such as avian flu, by filling out a school preparedness checklist available from www.pandemicflu.gov or NJSBA, with periodic reports to the school board on steps the district has already taken, as well as additional steps that need to be taken, to prepare for a flu pandemic.

School-based health care services shall be available to all students, including English language learners.

Annual Nursing Plan

The superintendent (or his/her designee) in conjunction with the school physician and the certified school nurse shall develop an annual nursing services plan. The nursing services plan shall describe in detail the nursing services to be provided throughout the district based on the needs of its students, potential emergency situations, basic nursing services requirements, and the assignment of medical staff to provide the services. The nursing services plan shall be adopted annually at a regular meeting. The nursing services plan may include the following:

- A. A description of the basic nursing services provided all students;
- B. A summary of specific medical needs of individual students and the services required to address the needs;
- C. A description of how nursing services will be provided in an emergency;
- D. Detailed nursing assignments for all school buildings;
- E. The nursing services and additional medical services provided to nonpublic schools.

Students with Diabetes

As used in this policy, an “individualized health care plan” means a document setting out the health services needed by the student at school, and an “individualized emergency health care plan” outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation. Both are to be developed by the school nurse, in consultation with the parent or guardian of a student with diabetes and other medical professionals who may be providing diabetes care to the student, and signed by the parent or guardian.

The board believes that diabetes is a serious chronic disease that impairs the body’s ability to use food, and must be managed 24 hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low. In order to manage their disease, students with diabetes must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

Accordingly, a parent or guardian of a student with diabetes shall inform the school nurse, who shall develop an individualized health care plan and an individualized emergency health care plan for the student. Further, the parent or guardian must annually provide to the board of education written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon.

Both plans shall be updated by the school nurse prior to the beginning of each school year and as necessary

HEALTH (continued)

if there is a change in the student's health status. The plans may include elements specified in N.J.S.A. 18A:40-12.13 including, but not limited to:

- A. The symptoms of hypoglycemia for that particular student and the recommended treatment;
- B. The symptoms of hyperglycemia for that particular student and the recommended treatment;
- C. The frequency of blood glucose testing;
- D. 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;
- E. Times of meals and snacks and indications for additional snacks for exercise;
- F. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
- G. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
- H. 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;
- I. Medical and treatment issues that may affect the educational process of the student with diabetes; and
- J. How to maintain communications with the student, the student's parent or guardian and healthcare team, the school nurse, and the educational staff.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff are trained in the care of these students, including staff working with school-sponsored programs outside of the regular school day. The school nurse shall also ensure that each school bus driver that transports a student with diabetes is provided notice of the student's condition, how to treat hypoglycemia, and emergency/parent contact information. A reference sheet identifying signs and symptoms of hypoglycemia shall be posted in plain view within school buildings.

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 board of education, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom, on school grounds or at any school-related activity, if evaluated and determined to be capable of doing so consistent with the 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

HEALTH (continued)

for the student's diabetes;

- E. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individual health care plan; and
- F. Otherwise attending to the management and care of the student's diabetes.

Students with Epilepsy or a Seizure Disorder

The parent/guardian of a student with epilepsy or a seizure disorder who seeks care for their student while at school shall submit annually to the school nurse the student's seizure action plan. The seizure action plan shall be comprehensive and provided by the student's physician, advanced practice nurse, or physician's assistant. It shall include, but is not limited to, information regarding presentation of seizures, seizure triggers, daily seizure medications, seizure first aid, and additional treatments.

The parents/guardians of the student shall annually provide the board with written authorization for the provision of epilepsy or seizure disorder care at school and school-sponsored programs outside of the regular school day. When this written authorization is received, the school nurse shall develop an individualized health care plan and an individualized emergency health care plan for the student.

The school nurse shall also obtain a release from the parent/guardian of a student with epilepsy or a seizure disorder to authorize the sharing of medical information between the student's physician or advanced practice nurse and other health care providers. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary.

The individualized health care plan shall be developed by the school nurse, in consultation with the parent or guardian of a student with epilepsy or a seizure disorder and other appropriate medical professionals who may be providing epilepsy or seizure disorder care to the student. It shall be consistent with the recommendations of the student's health care providers. The individualized health care plan shall detail the health services needed by the student at school. The plan shall be signed by the parent or guardian and the school nurse.

The individualized emergency health care plan shall be developed by the school nurse in consultation with the parent or guardian of a student with epilepsy or a seizure disorder and other appropriate medical professionals, which is consistent with the recommendations of the student's health care providers. This plan shall detail specific actions for non-medical school staff to take in a particular emergency situation. The plan shall be signed by the parent or guardian and the school nurse.

The individualized health care plan shall include, and the individualized emergency health care plan may include:

- A. Written orders from the student's physician or advanced practice nurse outlining the epilepsy or seizure disorder care;
- B. The symptoms of the epilepsy or seizure disorder for that particular student and recommended care;
- C. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
- D. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
- E. Education of all school personnel about epilepsy and seizure disorders, how to recognize and provide

HEALTH (continued)

care for epilepsy and seizure disorders, and when to call for assistance;

- F. Medical and treatment issues that may affect the educational process of the student with epilepsy or the seizure disorder;
- G. The student's ability to manage, and the student's level of understanding of, the student's epilepsy or seizure disorder; and
- H. How to maintain communication with the student, the student's parent or guardian and health care team, the school nurse, and the educational staff.

The board directs the school nurse to coordinate the provision of epilepsy and seizure disorder care at the school and ensure that all staff are trained in the care of students with epilepsy and seizure disorders, including staff working with school-sponsored programs outside of the regular school day. The training shall include a Department of Health-approved on-line or in-person course of instruction provided by a nonprofit national organization that supports the welfare of individuals with epilepsy and seizure disorders.

The school nurse shall provide school bus drivers responsible for transporting a student with epilepsy or a seizure disorder with a notice of the student's condition; information on how to provide care for epilepsy or the seizure disorder; emergency contact information; epilepsy and seizure disorder first aid training; and parent contact information.

No school employee, including a school nurse, a school bus driver, a school bus aide, or any other officer or agent of a board, shall be held liable for any good faith act or omission consistent with the provisions of this act, 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.

New Jersey Family Care

The school nurse shall ensure that the parent/guardians of students who are without medical coverage are notified of and provided information on the accessibility of the New Jersey Family Care Program in accordance with N.J.S.A. 18A:40-34.

Nonpublic School Students

The board shall provide mandated nursing services to nonpublic school students as required by law (see policy 5200 Nonpublic School Students).

The operation of the student health program shall be in compliance with the rules and regulations of the state department of education, local board of health and the state department of health and senior services, and state department of human services. The board shall review and adopt the regulations developed to implement the district's health services.

Automated External Defibrillator (AED)

Because the board recognizes that medical emergencies may occur that justify the use of AEDs, the board shall acquire and maintain this equipment for use by qualified staff members. An applicable patient would exhibit all of the following signs as per American Heart Association standards on AED use:

- A. Is unconscious;
- B. Is not breathing;

HEALTH (continued)

- C. Have no signs of circulation (as confirmed by a pulse check).

Only those staff members documented as having completed the required training shall be authorized to use an AED. A coach, athletic trainer, or in the absence of the coach or athletic trainer and other designated staff member, who is appropriately trained and certified in the use of the AED shall be present during athletic events or team practices. In the event that no appropriately AED trained and certified staff person can be present at athletic events or team practices, the district shall ensure that a State-certified emergency services provider or other certified first responder is on site at the event or practice.

Placement, Accessibility and Maintenance of the AED

The AED shall be:

- A. Available 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 district or nonpublic school are participating;
- C. Within reasonable proximity of the school athletic field or gymnasium, as applicable;
- D. Tested and maintained according to the manufacturer's operational guidelines and notification shall be provided to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location in accordance with section 3 of P.L.1999, c.34 (N.J.S.A. 2A:62A-25).

Implementation of Procedures for Cardio-Pulmonary Resuscitation and AED Use

The superintendent shall oversee the development and implementation of a district emergency action plan that establishes guidelines for use of the AED. The emergency action plan shall include:

- A. A list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health, in cardio-pulmonary resuscitation and in the use of a defibrillator. The list shall be updated, as necessary, at least once in each semester of the school year; and
- B. Detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for: responding to the person experiencing the sudden cardiac event, calling 911, starting cardio-pulmonary resuscitation, retrieving and using the defibrillator, and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Any employee, student or other individual who inappropriately accesses and/or uses an AED will be subject to disciplinary action, up to and including expulsion from school and/or termination of employment. Civil and/or criminal liability may also be imposed on any student, employee or individual who inappropriately accesses and/or uses an AED. All usage will be reported to the board of education.

Immunity

A school district and its employees shall be immune from civil liability in the acquisition and use of defibrillators pursuant to the provisions of section 5 of P.L.1999, c.34 (C.2A:62A-27). A person who acts with gross negligence or willful misconduct in the use of defibrillators does not enjoy immunity.

HEALTH (continued)Screening for Depression

Requires that the Board of Education ensure that students in **grades seven through 12 annually receive a health screening for depression**. The screening will be administered by a qualified professional, including a school psychologist, school nurse, guidance counselor, student assistance counselor, physician, school social worker or any other medical or mental health professional, and will consist of the Patient Health Questionnaire-2 or an equivalent depression screening tool, as determined by the Commissioners of Education and Health.

Under the bill, the Department of Education (DOE) and the Department of Health (DOH) will jointly establish standards on the procedures to be implemented to conduct the screenings. The screenings are to be conducted in a manner that ensures the privacy of the student and the confidentiality of the results.

A superintendent is to be **required to notify the parent** or guardian of a student whose screening for depression detects a suspected deviation from the recommended standard and to encourage the parent or guardian to share the results of the screening with the student's primary care physician.

Boards of education will be required to forward data concerning depression screenings to the DOE and the DOH, provided that the forwarded data is aggregated and does not include any identifying or confidential information concerning any individual. The collected data are to be used to identify Statewide trends concerning teenage depression and to develop school and community based initiatives to address teenage depression.

The bill requires the DOE and the DOH to jointly provide for other screening tools, including, but not limited to, a screening tool for anxiety, such as the General Anxiety Disorder-7 or an equivalent anxiety screening tool, as determined by the Commissioners of Education and Health.

Requires active parental consent for child to participate in screening.

Adopted:	December 12, 2007, December 12, 2018
NJSBA Review/Update:	April 2018, August 2, 2023 (Screening for Depression)
Readopted:	December 14, 2022, August 9, 2023

Key Words

Health, Student Health, Student Health, Nursing Plan, Diabetes, Individualized Health Care Plan, Cardio-Pulmonary Resuscitation, Automated External Defibrillator, AED, Epilepsy

<u>Legal References:</u>	<u>N.J.S.A.</u> 2A:62A-23 to 27	AED emergency medical services
	<u>N.J.S.A.</u> 18A:16-6, -6.1	Indemnity of officers and employees against civil actions
	<u>N.J.S.A.</u> 18A:35-4.6 <u>et seq.</u>	<u>Parents Right to Conscience Act of 1979</u>
	<u>N.J.S.A.</u> 18A:40-1	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
	<u>N.J.S.A.</u> 18A:40-3	Lectures to teachers
	<u>N.J.S.A.</u> 18A:40-4.3	Biennial examination for scoliosis
	<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
	<u>N.J.S.A.</u> 18A:40-6	In general
	<u>N.J.S.A.</u> 18A:40-7, -8, -10, -11	Exclusion of students who are ill
	<u>N.J.S.A.</u> 18A:40-12.11 <u>et seq.</u>	Findings, declarations relative to the care of students with diabetes

HEALTH (continued)

<u>N.J.S.A.</u> 18A:40-12.34	Definitions relative to epilepsy and seizure disorders.
<u>N.J.S.A.</u> 18A:40-12.35	Annual submission of student's seizure action plan
<u>N.J.S.A.</u> 18A:40-12.36	Information provided to bus driver
<u>N.J.S.A.</u> 18A:40-12.37	Release to share medical information
<u>N.J.S.A.</u> 18A:40-12.38	Immunity from liability
<u>N.J.S.A.</u> 18A:40-23 <u>et seq.</u>	Nursing Services for Nonpublic School Students
<u>N.J.S.A.</u> 18A:40-34	New Jersey Family Care Program
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 44:6-2	Maintenance by boards of education of clinics for indigent children
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.1, -1.3, -2.1, -2.2, -2.3, -2.4	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of School Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.3	
<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases
<u>See particularly:</u>	
<u>N.J.A.C.</u> 8:57-2	
<u>N.J.A.C.</u> 8:61-2.1	
	Reporting of AIDS and HIV
	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987), guidelines for admission of children with AIDS, the right to call witnesses and attendant right to cross-examine must be provided automatically upon request of the parties

P.L. 2021, c. 237

Screening for Depression

Possible

<u>Cross References:</u>	*1410	Local units
	1420	County and intermediate units
	*3510	Operation and maintenance of plant
	*3516	Safety
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	4151.2/4251.2	Family illness/quarantine
	*5111	Admission
	*5125	Student records
	*5131	Conduct/discipline
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141.1	Accidents
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*5141.4	Child abuse and neglect
	*5141.21	Administering medication
	*5142	Student safety
	*5200	Nonpublic school students
	*6142.4	Physical education and health
	*6142.12	Career education

*Indicates policy is included in the Critical Policy Reference Manual.

ACCIDENTS

Each principal shall develop a program of accident prevention suited to his/her school. The superintendent shall review and approve such programs. When unforeseen situations arise, and an accident occurs, a school nurse or other assigned staff member shall be responsible for providing emergency services to a child or staff member. The medical inspector shall prepare a list of first aid treatment for the most common minor injuries. This list shall be made known to the staff.

Guidelines for Dealing with Accident/Injury

- A. The school nurse or another trained person shall be responsible for administering first aid. Universal precautions shall be taken in the handling of blood and body fluids to ensure the containment of bloodborne pathogens (see policies and regulations 4112.4/4212.4 Employee Health and 5141.2 Illness);
- B. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent/guardian and/or family physician immediately;
- C. Parents/guardians shall be requested to pick up their child. If a parent/guardian is unable to provide such transportation, no student who is injured shall be sent home alone. A student who is injured shall not be taken home unless it is known that someone is there to receive him/her;
- D. In extreme emergencies, the school nurse, school doctor or principal may make arrangements for immediate hospitalization of injured students, contacting parents/guardians in advance if at all possible;
- E. The teacher or other staff member who is responsible for a child at the time an accident occurs shall make out a report within 24 hours on an official form providing details about the accident. This shall be required for every accident whether first aid is necessary or not;
- F. Any injuries or accidents to students shall be reported as soon as possible to the superintendent and the board.

Staff shall be informed at the beginning of each school year of the accident prevention program and procedures to be followed in case of an accident/injury.

Emergency Medical Procedures for Sports/Athletics

The Salem City Board of Education recognizes its responsibility for student safety encompassing all aspects of sports and athletic events in both intramural and interscholastic programs. The board directs the superintendent to develop and implement emergency medical procedures to ensure delivery of appropriate emergency medical services for all practice sessions, competitive contests, games, events, or exhibitions with individual students or teams of the schools of this district whether among themselves or with students of other districts.

The board further directs that these emergency medical procedures be disseminated to appropriate personnel within this district and address practice sessions and both home and away events.

The board directs the superintendent to report on the effectiveness of the emergency medical procedures to the board annually for its review.

ACCIDENTS (continued)

Adopted: December 12, 2007, March 10, 2010, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Accidents; Injuries

Legal References: N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions
N.J.S.A. 18A:40-25 Boards of education to provide nursing care to students in nonpublic schools
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-2.1, -2.3, -2.4
N.J.A.C. 6A:26-12.2(a)2iii Policies and procedures for school facility operation
N.J.A.C. 6A:27-12.2 Accident reporting (transportation)
N.J.A.C. 6A:32-9.1 et seq. Athletics Procedures
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools,

SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

Possible

Cross References: *3516 Safety
 *3541.33 Transportation safety
 *4112.4/4212.4 Employee health
 *4123 Classroom aides
 *5113 Absences and excuses
 *5125 Student records
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5141 Health
 *5141.2 Illness
 *5141.4 Child abuse and neglect
 5141.6 Crisis intervention
 *5141.8 Sports related concussion and head injury
 *5141.21 Administering medication
 *5142 Student safety
 *5200 Nonpublic school students
 *6114 Emergencies and disaster preparedness
 *6142.12 Career education
 *6145.1/6145.2 Intramural competition; interscholastic competition
 *6153 Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

ILLNESS

When students are taken suddenly ill in school, they shall be sent or escorted to the nurse's office. If the nurse is not in the medical office, the student shall be sent or taken to the building principal's office. In general, the same procedures that apply to accidents shall apply to sudden student illness. The superintendent, in cooperation with the medical inspector, shall implement this policy.

Control of Contagious Diseases or Conditions

In order to protect the health of the students in our schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious or infectious diseases or conditions. Students who have been absent because of contagious or infectious diseases or conditions must present a certificate of recovery from a licensed physician or be examined by the medical inspector.

The school nurse shall observe students who show evidence of communicable disease and recommend their exclusion to the school principal. Recommendations shall be consistent with reporting requirements on communicable diseases as set forth in the New Jersey Health Code. Such students shall be isolated in the nurse's office until a parent/guardian picks them up, and any necessary measures have been taken to prevent spread of the infection. The school nurse, under the direction of the medical inspector, shall instruct all teachers in the symptoms of the most common diseases or conditions at least once a year.

Any student with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS shall not be excluded from general education, transportation services, extracurricular activities, athletic activities, assigned to home instruction or classified as eligible for special education because of the HIV infection. The school nurse shall recommend the exclusion of any individual with weeping skin lesions that cannot be covered.

In addition to the review of health and safety measures required by law, the school nurse shall individually instruct teachers from whose classrooms a student has been excluded in the symptoms of the disease for which the student was excluded. Student rights and confidentiality shall be protected in accordance with law. No teacher shall attempt to diagnose any illness of a student, but shall refer suspected cases to the nurse immediately.

Any student who has been absent for five consecutive school days shall be seen by the school nurse prior to re-admittance to class. The school nurse shall notify the classroom teacher(s) of the status of the student's health as it pertains to re-admission.

Any student exhibiting symptoms of illness following any absence, as observed by any teacher or administrator, shall be seen by the school Nurse prior to re-admittance to class. The school nurse shall notify the classroom teacher of the status of the student's health as it pertains to re-admission.

Handling Blood and Body Fluids

The superintendent and medical inspector shall develop detailed routine procedures based on New Jersey administrative code and guidelines from the Centers for Disease Control for proper handling of blood and body fluids resulting from illness/accidents in the schools. These procedures shall be disseminated to all district staff and volunteers.

The medical inspector shall report all cases of communicable disease to the local board of health as required

ILLNESS (continued)

by law.

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Illness, Sickness, Body Fluids

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:16-6	Indemnity of officers and employees against civil actions
	<u>N.J.S.A.</u> 18A:16-6.1	Indemnity of officers and employees in certain criminal actions
	<u>N.J.S.A.</u> 18A:40-3	Lectures to teachers
	<u>N.J.S.A.</u> 18A:40-7	Exclusion of students who are ill
	<u>N.J.S.A.</u> 18A:40-8	Exclusion of students whose presence is detrimental to health and cleanliness
	<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and students exposed to disease
	<u>N.J.S.A.</u> 18A:40-11	Exclusion of students having communicable tuberculosis
	<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
	<u>N.J.S.A.</u> 18A:40-25	Boards of education to provide nursing care to students in nonpublic schools
	<u>N.J.S.A.</u> 26:2T-1	Newly diagnosed Hepatitis C case; information, reports
	<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
	<u>N.J.S.A.</u> 26:4-15	Reporting of communicable diseases by physicians
	<u>N.J.S.A.</u> 26:5C-1 <u>et seq.</u>	<u>AIDS Assistance Act</u>
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-1.3, -2.1 <u>et seq.</u>	
	<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 8:57-1.3, -1.7, -2	
	<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Possible

<u>Cross References:</u>	*1410	Local units
	*4112.4/4212.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5113	Attendance, absences and excuses
	*5125	Student records
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.1	Accidents
	*5141.4	Child abuse and neglect
	*5141.8	Sports related concussion and head injury
	*5200	Nonpublic school students
	*6142.13	HIV prevention education

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5141.3

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Regulation

HEALTH EXAMINATIONS AND IMMUNIZATIONS REGULATIONS

Pupil health examinations shall include, in accordance with district regulations, immunizations; the pupil's health history; height, weight, hearing, and vision screenings; and physical examination of the pupil's body. Pupil examinations/physicals and pupil athletic physicals shall not require screening or disclosure of HIV status.

Each candidate for a place on a school athletic squad or team shall submit to a medical examination conducted in accordance with Board policy and rules of the State Board of Education.

Pupils referred for evaluation for eligibility for special education and/or related services shall be examined in accordance with Board policy and rules of the State Board of Education.

Pupils suspected of being under the influence of alcohol, drugs, or anabolic steroids shall be examined in accordance with Board policy and rules of the State Board of Education.

Tuberculin Screening

Tuberculin screening shall be conducted as required by the State Department of Health.

Scoliosis Screening

Each pupil between the ages of ten and eighteen years shall be examined annually for scoliosis by a school employee trained in scoliosis screening. A pupil shall be exempt from the examination on the written request of the parent(s) or legal guardian(s).

Audiometric Screening

Audiometric screening will be conducted for pupils enrolled in preschool programs; pupils enrolled in grades pre-kindergarten, 1, 2, 3, 4, 6, 8, and 10; pupils entering the district with no recent record of hearing screening; pupils at risk for hearing impairments; and pupils referred for screening by a teacher, parent(s) or legal guardian(s), or at the pupil's request.

Pupils are at risk for hearing impairments if they have communication disorders, cleft palate, allergies, frequent upper respiratory or middle ear infections; take ototoxic medication; or are exposed to sudden or continuous loud noises.

Vision Screening

Vision screening will be administered to all entering pupils and annually to all pupils, in accordance with the vision-screening program developed in consultation with the school physician.

Health Records N.J.A.C. 6A:16-1.5 et seq.

Pupil health records shall be maintained in accordance with the requirements of 6A:16-1.5. Information in the pupil's health record will only be shared in accordance with the restrictions outlined in N.J.A.C. 6A:16-1.5(c). Access to a pupil's health record to licensed medical personnel will be limited only to the extent necessary to enable the licensed medical personnel to perform their duties.

Adopted: March 8, 2016, August 10, 2016, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Immunizations, Inoculations, Examinations, Student Physical Examinations, Student Physical Examinations, Health

Legal References:	
<u>N.J.S.A.</u> 18A:35-4.6 through -4.8	<u>Parents Right to Conscience Act of 1979</u>
<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of students; health records
<u>N.J.S.A.</u> 18A:40-4.3	Scoliosis; periodic examination; notice to parents or guardian
<u>N.J.S.A.</u> 18A:40-4.4	Exemption
<u>N.J.S.A.</u> 18A:40-4.5	Immunity from action of any kind due to provisions of act
<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:40-6	In general
<u>N.J.S.A.</u> 18A:40-11	Exclusion of students having communicable tuberculosis
<u>N.J.S.A.</u> 18A:40-16 through -19	Tuberculosis infection; determination of presence ...
<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
<u>N.J.S.A.</u> 18A:61D-8 through -10	Findings, declarations relative to Hepatitis B vaccinations....
<u>N.J.S.A.</u> 26:1A-9.1	Exemption of students from mandatory immunizations
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
<u>N.J.S.A.</u> 26:2T-5 through -9	Findings, declarations relative to Hepatitis C
<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.3, -2.1, -2.2, -2.3, -2.4, -4.1, -4.3	
<u>N.J.A.C.</u> 6A:32-9.1	Athletics Procedures
<u>N.J.A.C.</u> 8:57-2	Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus
<u>N.J.A.C.</u> 8:57-4.1	Applicability
<u>N.J.A.C.</u> 8:57-4.2	Proof of immunization
<u>N.J.A.C.</u> 8:57-4.3	Medical exemptions
<u>N.J.A.C.</u> 8:57-4.4	Religious exemptions
<u>N.J.A.C.</u> 8:57-4.5	Provisional admission
<u>N.J.A.C.</u> 8:57-4.6	Documents accepted as evidence of immunization
<u>N.J.A.C.</u> 8:57-4.7	Records required
<u>N.J.A.C.</u> 8:57-4.8	Reports to be sent to the State Department of Health
<u>N.J.A.C.</u> 8:57-4.9	Records available for inspection
<u>N.J.A.C.</u> 8:57-4.10	Diphtheria and tetanus toxoids and pertussis vaccine
<u>N.J.A.C.</u> 8:57-4.11	Poliovirus vaccine
<u>N.J.A.C.</u> 8:57-4.12	Measles virus vaccine
<u>N.J.A.C.</u> 8:57-4.13	Rubella vaccine
<u>N.J.A.C.</u> 8:57-4.14	Mumps vaccine

<u>N.J.A.C.</u> 8:57-4.15	Haemophilus influenza type b (Hib) conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.16	Hepatitis B virus vaccine
<u>N.J.A.C.</u> 8:57-4.17	Varicella virus vaccine
<u>N.J.A.C.</u> 8:57-4.18	Pneumococcal conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.19	Influenza vaccine
<u>N.J.A.C.</u> 8:57-4.20	Meningococcal vaccine
<u>N.J.A.C.</u> 8:57-4.21	Providing immunization
<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by students or adults infected by
Human Immuno-deficiency Virus (HIV)	

20 U.S.C.A. 1232h Protection of Student Rights Amendment
Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)
Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible**Cross References:**

*1410	Local units
*4123	Classroom aides
*5111	Admission
*5113	Absences and excuses
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.21	Administering medication
*5200	Nonpublic school students
*6142.4	Physical education and health
*6145.1/6145.2	Intramural competition; interscholastic competition
*6162.5	Research
*6164.4	Child study team
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

HEALTH EXAMINATIONS AND IMMUNIZATIONS

Students who enter the district schools for the first time shall have a medical examination conducted at the medical home of the student, and a full report sent to the school. If a student does not have a medical home, the district shall provide this examination at the school physician's office or other appropriately equipped facility. "Medical home" means a health care provider and that provider's practice site chosen by the student's parent/guardian for the provision of health care. As the school physician is also a health care provider, the parent/guardian may request that the school physician provide the medical examination.

A student shall be exempted from mandatory immunization if the parent/guardian objects to immunization in a written statement submitted to the principal, signed by the parent/guardian, explaining 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.

Every student who enters the district schools for the first time shall present an immunization record as required by law. At the parent/guardian's request, these immunizations may be administered by the school physician.

In order to protect the health of the children and staff in district schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases or conditions. Students seeking to enter school who have been identified as having a communicable/infectious disease or condition shall not be enrolled unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine, and reporting.

The superintendent or designee shall formulate regulations that ensure immunization records are reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.16. The superintendent shall also formulate regulations for this policy and for regular student health examinations at appropriate grade levels; before participation in sports programs; and for tuberculosis, scoliosis, hearing loss, visual acuity and any other physical examinations required by law. Any health defects revealed by any examination given by the school health services must be reported to the parent/guardian. The board shall review the regulations and adopt those required by law.

The Superintendent or designee will notify parents of the importance of obtaining subsequent medical examinations of the pupil at least one time during each developmental stage at early childhood (grades pre-school through grade three), pre-adolescence (grades four through six), and adolescence (grades seven through 12).

Parent/Guardian Notice

In accordance with federal law, the Protection of Student Rights Amendment (PPRA), parents/guardians shall be notified annually of the opportunity for the parent/guardian to opt the student out of any non-emergency, invasive physical examination or screening that is:

- A. Required as a condition of attendance;
- B. Administered by the school and scheduled by the school in advance; and
- C. Not necessary to protect the immediate health and safety of the student, or of other students.

Adopted:

February 14, 2005, December 12, 2007, March 11, 2009,

HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

NJSBA Review/Update: December 12, 2018
 April 2022
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Key Words

Immunizations, Inoculations, Examinations, Student Physical Examinations, Student Physical Examinations, Health

Legal References: N.J.S.A. 18A:35-4.6
 through -4.8
N.J.S.A. 18A:40-4

N.J.S.A. 18A:40-4.3

N.J.S.A. 18A:40-4.4
N.J.S.A. 18A:40-4.5
N.J.S.A. 18A:40-5
N.J.S.A. 18A:40-6
N.J.S.A. 18A:40-11
N.J.S.A. 18A:40-16
 through -19
N.J.S.A. 18A:40-20
N.J.S.A. 18A:61D-8
 through -10

N.J.S.A. 26:1A-9.1
N.J.S.A. 26:4-6
N.J.S.A. 26:2T-5
 through -9
N.J.A.C. 6A:14-3.4
N.J.A.C. 6A:16-1.1 et seq.
See particularly:
N.J.A.C. 6A:16-1.3,
 -2.1, -2.2, -2.3, -2.4,
 -4.1, -4.3
N.J.A.C. 6A:32-9.1
N.J.A.C. 8:57-2

N.J.A.C. 8:57-4.1
N.J.A.C. 8:57-4.2
N.J.A.C. 8:57-4.3
N.J.A.C. 8:57-4.4
N.J.A.C. 8:57-4.5
N.J.A.C. 8:57-4.6
N.J.A.C. 8:57-4.7
N.J.A.C. 8:57-4.8
N.J.A.C. 8:57-4.9
N.J.A.C. 8:57-4.10
N.J.A.C. 8:57-4.11
N.J.A.C. 8:57-4.12
N.J.A.C. 8:57-4.13
N.J.A.C. 8:57-4.14

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 of students; health records
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 Findings, declarations relative to Hepatitis C
 Evaluation
 Programs to Support Student Development

 Athletics Procedures
 Reporting of acquired immunodeficiency syndrome and
 infection with Human Immunodeficiency Virus
 Applicability
 Proof of immunization
 Medical exemptions
 Religious exemptions
 Provisional admission
 Documents accepted as evidence of immunization
 Records required
 Reports to be sent to the State Department of Health
 Records available for inspection
 Diphtheria and tetanus toxoids and pertussis vaccine
 Poliovirus vaccine
 Measles virus vaccine
 Rubella vaccine
 Mumps vaccine

HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

<u>N.J.A.C.</u> 8:57-4.15	Haemophilus influenza type b (Hib) conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.16	Hepatitis B virus vaccine
<u>N.J.A.C.</u> 8:57-4.17	Varicella virus vaccine
<u>N.J.A.C.</u> 8:57-4.18	Pneumococcal conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.19	Influenza vaccine
<u>N.J.A.C.</u> 8:57-4.20	Meningococcal vaccine
<u>N.J.A.C.</u> 8:57-4.21	Providing immunization
<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by students or adults infected by Human Immuno-deficiency Virus (HIV)

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<u>Cross References:</u>	*1410	Local units
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	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6162.5	Research
	*6164.4	Child study team
	*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

MISSING, ABUSED AND NEGLECTED CHILDREN

The board of education believes that a child's physical and mental well-being must be maintained as a prerequisite to the achievement of the New Jersey Student Learning Standards. The board therefore believes that it is important to identify and investigate suspected incidents involving missing, abused and neglected children immediately. The school district will cooperate with the New Jersey Division of Child Protection and Permanency (DCP&P).

In order to increase awareness of the symptoms of missing, abused and neglected children and cause them to be better informed on all aspects of abuse and neglect, the board directs the superintendent to provide information and inservice training on these subjects to all school employees. Specifically, this training shall include information on the district's policies and procedures for reporting allegations of missing, abused, or neglected child situations. All new employees, volunteers and interns shall receive the required information and training as part of their orientation.

Liaisons to DCP&P and Law Enforcement Authorities

The superintendent shall designate a staff member or staff members who shall act as liaison between DCP&P and the district. The liaison shall facilitate communication and cooperation between the district and/or the school and DCP&P and act as primary contact between the schools and DCP&P.

The superintendent shall also designate a staff member or staff members who shall act as liaison between law enforcement authorities and the district. The liaison shall facilitate communication and cooperation between the district and law enforcement authorities and act as primary contact between the school and law enforcement.

Reporting Procedures

In accordance with law (N.J.S.A. 9:6-8.10; P.L. 2019, c. 40), any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his/her parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

The superintendent is directed to develop procedures for compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. The following procedures shall apply:

- A. All staff members, volunteers and interns having contact with students are required to report directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. 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 officials prior to notifying DCP&P if the action will not delay immediate notification. Employees, volunteers and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;
- B. The person notifying DCP&P shall inform the principal or other designated school officials of the notification, if this was not done prior to notifying DCP&P. The principal or other school designated school

MISSING, ABUSED AND NEGLECTED CHILDREN (continued)

officials should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment;

- C. The principal shall notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Law enforcement authorities shall be notified about all reports by employees, volunteers, or interns working in the school district. Procedures for the notification of the law enforcement authority shall be consistent with the district Memorandum of Agreement (see board policy 1410 Local Units);
- D. The principal shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including facilitating:
 - 1. Accommodations permitting investigators to interview the student in the presence of the school principal or other designated school official. If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
 - 2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
 - 3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
 - 4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
 - 5. The release of 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. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
 - 6. The transfer to another school of a student who has been removed from his or her home by DCP&P for proper care and protection (see board policy 5118.2 Foster Care and Educational Stability).

Any person who knowingly violates the reporting requirements and fails to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

Any person who knowingly fails to report an act of sexual abuse against a child and who has reasonable cause to believe that an act of sexual abuse has been committed is guilty of a crime of the fourth degree which carries a term of imprisonment for up to 6 months, a fine of up to \$1,000, or both (N.J.S.A. 9:6-8.14; P.L. 2019, c. 40).

Due Process

Due process rights will be provided to school personnel, volunteers or interns who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of an employee, with pay, volunteer or intern named as a suspect in an act of child abuse or neglect shall occur if there is reasonable cause 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 a student. Due process rights shall include notice of the proposed suspension and a pre-suspension opportunity to respond.

If abuse is found, resulting from a single incident occurring in the school district, the superintendent shall be available to meet with the Department of Children and Families, which may request that the superintendent create a corrective action plan. The plan may include, but shall not be limited to, action to be taken with respect to a teacher, intern, employee, volunteer or other staff member to assure the health and safety of the

MISSING, ABUSED AND NEGLECTED CHILDREN (continued)

alleged victim and other children and to prevent future acts of abuse or neglect. Within 30 days of the date the Department requested the remedial plan, the superintendent shall notify the Department in writing of the progress in preparing the plan. The superintendent shall complete the plan within 90 days of the date the Department requested the plan.

If the child abuse or neglect is the result of several incidents occurring in the school district, within 30 days of receipt of the report of child abuse or neglect, the Department of Children and Families may request that the superintendent make administrative, personnel or structural changes within the district.

Records

All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required to cooperate in investigations. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the school district superintendent or his or her designee.

All references to a notification to the designated DCP&P caseworker of a potential missing, abused, or neglected child situation involving a school district employee shall be removed from employee personnel records immediately following the receipt of an official notice from DCP&P that such allegations were unfounded.

Suicide Reporting

The board is committed to supporting State efforts to improve the information available to both professionals, who are in contact with youth at risk of suicide, and families at risk; identify and provide suitable intervention services to reduce the incidence of suicide; and educate youths and families at risk about the resources available for suicide prevention and intervention about youths who attempt suicide.

Therefore, in compliance with law (N.J.S.A. 30:9A-24 and N.J.A.C. 6A:16-11.1) school district employees, volunteers, or interns with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department of Children and Families. The information shall be reported in the form and manner prescribed by the Department of Children and Families.

The information contained in the report to the Department of Children and Families shall not be considered a public record, but the division may aggregate the data for the purpose of preparing an annual report. The reporter shall not be required to identify the student or youth by name or other unique identifier, but may be required to supply non-identifying demographic information about the student or youth, other attempts made by the student or youth and the response or referral made to deal with the incident.

Any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Protection from Reprisal or Retaliation

The board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect. Reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potential missing, abused or neglected child situation is prohibited.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

MISSING, ABUSED AND NEGLECTED CHILDREN (continued)

Adopted: December 12, 2007, October 10, 2012, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Student Safety, Child Abuse, Child Neglect, Student Safety, Suicide Prevention

<u>Legal References:</u>	<u>N.J.S.A.</u> 2A:4A-60.2	Disclosure, use of juvenile's statement made in course of screening
	<u>N.J.S.A.</u> 2A:84A-18 through -23	Self-incrimination
	<u>N.J.S.A.</u> 2C:11-6.	Aiding suicide
	<u>N.J.S.A.</u> 2C:58-8.	Certain wounds and injuries to be reported
	<u>N.J.S.A.</u> 9:6-1 <u>et seq.</u>	Abuse, abandonment, cruelty and neglect of child; what constitutes
	See particularly:	
	<u>N.J.S.A.</u> 9:6-3.1; -8.9 through -8.14; -8.21; -8.27 through -8.30; -8.34 through -8.36; -8.40; -8.46; -8.56	
	<u>N.J.S.A.</u> 9:6-8.10	Report of child abuse
	<u>N.J.S.A.</u> 9:6-8.14	Violations including failure to make report
	<u>N.J.S.A.</u> 18A:6-7a, -10, -11, -13, -14, -18.1, -30, -30.1	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
	<u>N.J.S.A.</u> 18A:6-111	Findings, declarations relative to instruction in suicide prevention in public schools
	<u>N.J.S.A.</u> 18A:6-112	Instruction in suicide prevention for public school teaching staff.
	<u>N.J.S.A.</u> 18A:6-113	Provision for instruction in suicide prevention in school curriculum
	<u>N.J.S.A.</u> 18A:36-19	Student records; creation; maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-24 <u>et seq.</u>	Missing children; legislative findings and declarations
	<u>N.J.S.A.</u> 30:9A-22	Findings, declarations relative to youth suicide
	<u>N.J.S.A.</u> 30:9A-23	Definitions relative to youth suicide
	<u>N.J.S.A.</u> 30:9A-24	Report by teacher of attempted, completed suicide by student
	<u>N.J.S.A.</u> 52:17B-9.8a <u>et seq.</u>	Marking of missing child's school record
	<u>N.J.A.C.</u> 6A:16-5.1	School safety plans
	<u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>	Reporting Allegations of Child Abuse and Neglect
	<u>N.J.A.C.</u> 6A:32-7.1	Student records

Possible

<u>Cross References:</u>	*5113	Absences and excuses
	*5125	Student records
	*5141.1	Accidents
	*5142	Student safety

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

MISSING, ABUSED AND NEGLECTED CHILDREN

GENERAL STATEMENT

The board of education shall foster with its community of parents a sense of wellbeing and confidence that each child is valued and will be protected from any form of threat or danger to their safety and wellbeing. The board of education adopts the New Jersey Legislature's determination that removal of children from school constitutes a deprivation in itself and may be an indicator of even more grievous abuses. The board believes that it is important to identify and investigate suspected incidents involving missing, abused or neglected children immediately. Moreover, the public schools can and should provide an early warning to the appropriate authorities when a child appears to be missing from the educational system.

Therefore, the school district will cooperate with the New Jersey Division Child Protection and Permanency (DCP&P) and law enforcement authorities in identifying and reporting all such cases of missing, abused and neglected students whether institutional or noninstitutional.

The board further believes that as required by law, school staff, volunteers and interns have the responsibility to report attempted or completed suicide. Reporting enables the district to plan supportive measures for the school community and facilitates the state's initiatives regarding suicide prevention and intervention. Therefore, school staff, volunteers and interns shall report the information to the New Jersey Department of Children and Families (DCF) as required by law.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none">• General policy and procedure oversight within the district• Designation of the liaison(s)• Liaison with law enforcement and DCP&P• Maintain contact information for police and DCP&P
Building principal	<ul style="list-style-type: none">• General procedure oversight within the school• Development and implementation of reporting and notification procedures for the school• Contacting and being the liaison with law enforcement and DCP&P• Maintaining confidential records and oversee the transfer and release of relevant records as required by law• Maintain contact information for police and DCP&P• Contact parents/guardians or emergency contact as appropriate
District liaisons	<ul style="list-style-type: none">• Primary contact with Law enforcement, the DCP&P case manager, and DCF as assigned• Facilitates all aspects of the report, investigation and follow-up for reported incidents• Coordinates school services with CST, I&RS, school nurse, EMS, or other services as necessary
Board Secretary	<ul style="list-style-type: none">• Manage policy adoption and revision cycle• Oversight of student records and access to same

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

Director of Student Services	<ul style="list-style-type: none"> • In conjunction with CSA, oversight of student enrollment and documentation of attendance • Review procedures for maintenance and access to student records • Default liaison between the school district and DCP&P
Director of Curriculum	<ul style="list-style-type: none"> • In conjunction with CSA, oversight and implementation of instruction in suicide prevention • In conjunction with CSA, coordinate with Commissioner of the Department of Human Services to provide in-service & classroom instruction re: suicide prevention
Medical Inspector	<ul style="list-style-type: none"> • In conjunction with CSA, notify licensed and medical staff of immunity from civil liability for professional services
Attendance Officer	<ul style="list-style-type: none"> • Investigate and report certain student absences

DEFINITIONS

"Abandonment" is defined in N.J.S.A. 9:6-1, as any of the following acts committed by anyone having the custody or control of the child:

1. Willfully forsaking a child;
2. Allowing the child to be exposed to physical or moral risk without proper and sufficient protection;
3. Failing to care for a child to the extent that the child must be supported and maintained at the expense of the public or by private persons who are not legally responsible for the child.

"Abuse" is defined by the above statute as any of the following:

1. Disposing or resolving the custody of a child in ways contrary to law;
2. Employing the child in a position that is dangerous to the child's health, or in violation of the child employment laws of New Jersey;
3. Employing the child in a position that would endanger the morals of the child;
4. Parental/guardian's subjection of the child to the habitual use of profane language;
5. Performing an indecent act or deed, in the presence of a child, where the act may degrade the morals of the child or allowing another person to perform such an act;
6. The use of excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property;
7. Willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

"Abused child" is defined by N.J.S.A. 9:6-8.9 as a child under the age of 18 years whose parent, guardian, or other person having his custody and control:

1. Inflicts or allows non-accidental physical injury 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;
2. Creates or allows a non-accidental and substantial or ongoing risk of physical injury to a child which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or
3. Commits or allows to be committed an act of sexual abuse against the child;
4. 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 to exercise a minimum degree of care:
 - a. 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
 - b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to harm, or substantial risk thereof, including the infliction of excessive corporal

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or by any other act of a similarly serious nature requiring the aid of the court; or

5. A child who has been willfully abandoned by his parent or guardian, or such other person having his custody and control; or
6. A child who is in an institution as defined in 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.

"Child Cruelty" is defined as:

1. Inflicting unnecessarily severe corporal punishment;
2. Inflicting unnecessary suffering or pain, either mental or physical;
3. Habitually tormenting, vexing or afflicting a child;
4. Any willful act of omission or commission causing or permitting unnecessary pain and suffering; or
5. Exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

"Missing child" is defined in N.J.S.A. 52:17B-9.8a as a person under 18 years of age reported to a law enforcement agency as being abducted, enticed away, taken, missing or a runaway. A missing child is also defined in N.J.S.A. 52:17B-212 as a person 13 years of age or younger whose whereabouts are not currently known.

"Neglect" is defined as any of the following acts committed by a person having the custody or control of the child:

1. Willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home, or
2. Failure to do or permit any act necessary for the child's physical or moral well-being. Neglect includes the continued inappropriate placement of a child in an institution, knowing that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.

"Parent or guardian" means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person, who has assumed responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care. "Parent" includes the adoptive or resource family parent. The term also includes any person who has assumed the care of a child, or any person with whom a child is living at the time an offense is committed. Parent, as used in this regulation and attendant policy shall include this definition as well as the legal guardian of the child.

In all cases, the right of a parent/guardian to provide treatment for an ill child in accordance with the religious tenets of any church as authorized by other statutes of New Jersey shall be maintained, provided that laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated. No child, who in good faith, is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a duly accredited practitioner of that recognized church or religious denomination, shall for this reason alone, be considered to be abused or neglected.

"New Jersey State Department of Children and Families (DCF)" was created in July 2006 as New Jersey's first Cabinet agency devoted exclusively to serving and safeguarding the most vulnerable children and families in the state. DCF includes:

1. Child Protection and Permanency (DCP&P);
2. Children's System of Care;
3. Family and Community Partnerships;
4. Office of Adolescent Services;

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

5. Office of Education;
6. Child Welfare Training Academy;
7. Centralized Child Abuse/Neglect Hotline;

"Non-institutional child abuse and neglect" is abuse and/or neglect alleged to have taken place in the home or community by a parent/guardian or any other person having custody or control of the child, and should be reported in person or by telephone to the local DCP&P office.

"Institutional child abuse and neglect" is abuse alleged to have taken place in a school or other institutional setting by school personnel, compensated and uncompensated (volunteer) and should be reported in person or by telephone to the Institutional Abuse Investigation Unit (IAIU) of the local DCP&P office.

INDICATORS OF CHILD ABUSE/NEGLECT

(from: <http://www.nj.gov/dcf/reporting/indicators/>)

Physical Abuse

Physical Indicators	Behavioral Indicators
Unexplained bruises and welts: <ul style="list-style-type: none"> • On face, lips, mouth • On torso, back, buttocks, thighs • In various stages of healing • Cluster, forming regular patterns • Reflecting shape of article used to inflict (electric cord, belt buckle) • On several different surface areas • Regularly appear after absence, weekend or vacation • Unexplained burns: <ul style="list-style-type: none"> • Cigar, cigarette burns, especially on soles of the feet, palms, back or buttocks • Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia) • Patterned like electric burner, iron, etc. • Rope burns on arms, legs, neck or torso • Unexplained fractures: <ul style="list-style-type: none"> • To skull, nose, facial structure • In various stages of healing • Multiple or spiral fractures • Unexplained laceration or abrasions: <ul style="list-style-type: none"> • To mouth, lips, gums, eyes • To external genitalia 	Wary of adult contacts Apprehensive when other children cry Behavioral extremes: <ul style="list-style-type: none"> • Aggressiveness • Withdrawal Frightened of parents Afraid to go home Reports injury by parents

Physical Neglect

Physical Indicators	Behavioral Indicators
Consistent hunger, poor hygiene, inappropriate dress Consistent lack of supervision, especially in dangerous activities or long periods Constant fatigue or listlessness Unattended physical problems or medical needs Abandonment	Begging, stealing food Extended stays at school (early arrival and late departure) Constantly falling asleep in class Alcohol or drug abuse Delinquency (e.g. thefts) States there is no caregiver

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)**Sexual Abuse**

Physical Indicators	Behavioral Indicators
Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy	Unwilling to change for gym or participate in PE Withdrawn, fantasy or infantile behavior Bizarre, sophisticated or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caregiver

Emotional Maltreatment

Physical Indicators	Behavioral Indicators
Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, speech disorders, inhibition of play)	Behavior extremes: • Compliant, passive • Aggressive, demanding Overly adoptive behavior: • Inappropriately adult • Inappropriately infant

HOTLINE INFORMATION

All reports of child abuse and neglect, including those occurring in institutional settings such as child care centers, schools, foster homes and residential treatment centers, must be reported to the State Central Registry (SCR). This is a toll-free, 24-hour, seven-days-a-week hotline.

Child Abuse Hotline (State Central Registry)
1-877 NJABUSE
(1-877-652-2873)
TTY 1-800-835-5510

PROCEDURESChild Protection and Permanency Liaison

- A. The superintendent designates as a liaison to the Division of Child Protection and Permanency (DCP&P) and/or to the local law enforcement agency (*select one or more or insert a position*):
1. Assistant superintendent;
 2. Director of Student Services
 3. Principal;
 4. Vice-principal;
 5. School social worker;
 6. Student assistance coordinator;
 7. Guidance counselor; or
 8. Other staff member.
- B. The roles and functions of the(se) liaisons are to:
1. Act as the primary contact person between schools in the school district and law enforcement authorities, consistent with the memorandum of agreement;
 2. Facilitate communication and cooperation between DCP&P and the district including the sharing or transfer of records;
 3. Identify issues or problems that arise in the implementation of district policy and procedures related to

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

- missing, abused and neglected children and facilitate the resolution of any such problems;
- 4. Act as the primary contact with DCP&P with regard to training, general information sharing and the maintenance and development of cooperative efforts;
- 5. Coordinate intervention and prevention efforts.

Law Enforcement Liaison

- C. The superintendent designates as a liaison to the county prosecutor's office and to the local law enforcement agency (*select one or more options or insert a position*):
- 1. Superintendent
 - 2. Assistant superintendent;
 - 3. Director of student services
 - 4. Principal
 - 5. Vice-principal;
 - 6. School social worker;
 - 7. Student assistance coordinator;
 - 8. Guidance counselor; or
 - 9. Other staff member.
- D. The roles and functions of the(se) liaisons are to:
- 1. Facilitate communication and cooperation;
 - 2. Identify issues or problems that arise in the implementation of this Agreement and facilitate the resolution of any such problems;
 - 3. Act as the primary contact person between the schools and the affected law enforcement agencies;
 - 4. Act together in developing joint training and other cooperative efforts, including information exchanges and joint speaking engagements;
 - 5. Coordinate drug and alcohol abuse and violence intervention and prevention efforts; and
 - 6. Consult on the review of school safety and security plans, pursuant to N.J.A.C. 6A:16-5.1, and the review of approved model policies of the School Security Task Force.

Note: see board policy and regulation 1410 Local Units

Incident Reporting

Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously. Any such person who is discharged from employment or is subject to employment discrimination may file a cause of action in the family part of the Chancery Division of the Superior Court in the county in which the discharge or alleged discrimination occurred or in the county of the person's primary residence.

Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report shall be free from any type of retaliation.

When a complaint made against a school employee alleging child abuse or neglect is determined by the Department of Children and Families to be unfounded, the school district shall remove any references to the complaint and investigation by the department from the employee's personnel records. A complaint made

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

against a school employee that has been classified as unfounded by the department shall not be used against the employee for any purpose relating to employment, including but not limited to, discipline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege relating to employment.

Any person who knowingly violates the reporting requirements and fails to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

Any person who knowingly fails to report an act of sexual abuse against a child and who has reasonable cause to believe that an act of sexual abuse has been committed is guilty of a crime of the fourth degree which carries a term of imprisonment for up to 6 months, a fine of up to \$1,000, or both (N.J.S.A. 9:6-8.14; P.L. 2019, c. 40).

Reporting Procedures

The superintendent has developed these procedures in compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. If a student is reasonably believed to be missing, abused or neglected, the following procedures shall apply:

- A. Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by contacting 1-877 NJABUSE (1-877-652-2873) or TTY 1-800-835-5510 or otherwise. Such reports, where possible, shall contain the following:
 1. Name, title and position of individual reporting the alleged abuse;
 2. Date, time and location that the report of alleged abuse is being submitted to the district;
 3. Names and addresses of the child and his parent, guardian, or other person having custody and control of the child;
 4. If known, the child's age;
 5. The nature and possible extent of the child's injuries, abuse or maltreatment;
 6. Any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.
- B. All staff members, volunteers and interns having contact with students are required to report directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. 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 officials prior to notifying DCP&P if the action will not delay immediate notification. The employee making a report to DCP&P shall inform the principal or other designated school officials that a report was made. Employees, volunteers and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;
- C. If a student attendance investigation demonstrates reasonable cause to believe a child is missing or has been abused or neglected, the investigator shall immediately notify the building principal who shall then notify the superintendent. The superintendent shall then notify the Division of Child Protection and Permanency in the Department of Children and Families for its determination of whether the division is or has been involved with the child and whether action, as appropriate, is warranted (pursuant to N.J.S.A. 18A:36-25.2);
- D. The person notifying DCP&P shall inform the principal or other designated school officials of the notification if this was not done prior to notifying DCP&P. The principal or other school designated school official should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment. In the event that the person notifying DCP&P believes that making such a report to the principal or other designated school official would endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment, the reporter should document reasons for that belief in

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

writing to the superintendent or other appropriate school official.

- E. The principal shall notify the superintendent and law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Procedures for the notification of the law enforcement authority shall be consistent with the district Memorandum of Agreement (see board policy 1410 Local Units);
- F. The principal shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including facilitating:
 - 1. Accommodations permitting investigators to interview the student in the presence of the school principal or other designated school official. If the student is uncomfortable in the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
 - 2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
 - 3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
 - 4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
 - 5. The release of 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. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
 - a. The transfer to another school of a student who has been removed from his or her home by DCP&P for proper care and protection (see board policy 5118.2 Foster Care and Educational Stability);
 - b. Notification to the student's parents or guardians shall not be made by school officials or employees when it is suspected that either parent or guardian is responsible for the suspected abuse.

Administrative Responsibilities

The principal shall:

- A. Immediately notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations reported by employees, volunteers, or interns. Procedures for the notification of the law enforcement authority shall consistent with the district Memorandum of Agreement (see board policy 1410 Local Units). If the student is attending pursuant to a send-receive or other type of shared services agreement, immediate notice shall also be provided to the law enforcement authorities of the receiving districts. The administration shall consider providing notice to the law enforcement authorities of the sending district where circumstances warrant.
- B. In timely fashion, notify the superintendent of incidents of potentially missing, abused, or neglected child situations reported by employees, volunteers, or interns;
- C. Document in writing any reported incident of a missing, abused or neglected student. There may be one report or multiple reports depending on the actions taken at the school and the time frame within which the actions were taken. Reports shall include at a minimum:
 - 1. The date, time and location the incident was reported;
 - 2. The name of the staff member, volunteer or intern who reported the incident;
 - 3. The date and time the principal notified the law enforcement authorities;
 - 4. The date and time the principal notified the superintendent;
 - 5. A description of the facts reported which may include the reason the report was made, statements

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

- and/or observations that caused the suspicion inciting the report, and who was involved;
- 6. The date and time of any investigative interviews conducted with school students and staff, including the names, contact information and title of the professional or professionals conducting the interview;
- 7. A description of any physical evidence that may have been provided or reported by witnesses.

All records of child abuse reports, all information obtained by the Department of Children and Families in investigating such reports, and all reports of findings forwarded to the child abuse registry shall be kept confidential.

Interviews and Investigations

When DCP&P and/or law enforcement officials investigate allegations of missing, abused or neglected students on school grounds the principal shall:

- A. Check the credentials of the DCP&P caseworker or law enforcement official requesting the interview or information;
- B. Arrange for any necessary accommodations permitting authorized investigators to interview the student in the presence of the principal or designated school official;
- C. If necessary arrange for a school representative of the student's preference to be present during the interview, when the student is not comfortable with the principal or the other designated school official;
- D. As requested by DCP&P and/or the law enforcement official, schedule interview times and locations with any employee, volunteer, or intern who may have information relevant to the investigation;
- E. Prepare and release the records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of the potentially missing, abused, or neglected student, to the extent permitted by N.J.S.A. 18A:36-19 and 9:6-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99;
- F. Cooperate with the maintenance, security, and release of all confidential information:
 - 1. All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern shall be considered confidential and may be disclosed only as required to cooperate in investigations or as required by court order;
 - 2. Records pertaining to such information about an employee, volunteer, or intern shall be maintained in a secure location separate from other employee personnel records and accessible only to the superintendent or his or her designee;
- G. Facilitate the release of the student to DCP&P while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
- H. Cooperate with and facilitate any transfer arrangements made to another school of a student who has been removed from his or her home by DCP&P for proper care and protection according to the provisions of board policy and procedure 5118.2 Foster Care and Educational Stability.

Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

- A. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights;
- B. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

named as a suspect shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in imminent danger due to continued contact between the employee, volunteer, or intern and the student;

- C. All references to a notification to DCP&P of a potential missing, abused, or neglected child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from DCP&P that the allegation was unfounded.
- D. Any employee who is licensed in the State of New Jersey to practice psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling, is immune from any civil liability for a patient's violent act against another person or against himself unless the practitioner has incurred a duty to warn and protect the potential victim and fails to discharge that duty. Both the duty to warn and exceptions to that duty are located at N.J.S.A. 2A:62A-16.

Suicide Reporting

- A. Any employee, volunteer, or intern with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department Children and Families. The information shall be reported in the form and manner prescribed by the Department of Children and Families;
- B. Any person who has reported attempted or completed suicide, shall notify the principal of the reported suspicion, if they did not notify the principal prior to filing the initial report;
- C. The principal or his or her designee may assist the staff member, volunteer or intern in making the report to the Department Children and Families (DCF). Assistance may include:
 - 1. Distributing the board policy and procedure 5141.4 Missing, Abused and Neglected Children;
 - 2. Directing the staff member, volunteer or intern to the DCF website and the electronic reporting form at <http://www.nj.gov/dcf/adolescent/prevention/suicidereportingform.html>;
 - 3. Provide information regarding confidentiality of reporting;
- D. The principal shall notify the superintendent of any incident where a staff member, volunteer or intern has reported to the principal and/or DCF that a student has attempted or completed suicide;
- E. The principal or his or her designee shall keep a written record of any reported incidents of attempted or completed suicide including:
 - 1. The date and time the incident was reported;
 - 2. The name of the staff member, volunteer or intern who reported the incident.

The staff member, volunteer or intern that reports attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

Professional Development

The superintendent shall require each teaching staff member to complete at least two hours of instruction in suicide prevention during each professional development cycle. The instruction must be provided by a licensed health care professional with training and experience in mental health issues. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)**REGULATION HISTORY**

Adopted:	December 12, 2007
Revised:	October 10, 2012
Review/Revision:	April 2022
Readopted:	December 14, 2022

CROSS REFERENCES

5131.6	Substance Abuse
5131.7	Weapons and Dangerous Instruments
5141	Health
5141.1	Accidents
5141.2	Illness
5141.4	Child Abuse and Neglect
5142	Safety (covers missing children)
5145.11	Questioning and Apprehension
5145.12	Search and Seizure

Primary Resource

1	Division of Mental Health and Addiction Services Suicide or Suicide Attempt Questionnaire Located at: http://www.nj.gov/humanservices/dmhas/forms/
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Policy

SPORTS RELATED CONCUSSION AND HEAD INJURY

A concussion is a traumatic brain injury (TBI) caused by a direct or indirect blow to the head or body.

Requirements

- A. A student who participates in interscholastic athletics, which for the purpose of this policy includes cheerleading, and who sustains or is suspected of sustaining a concussion or other head injury shall be immediately removed from the competition or practice. The student athlete or cheerleader may not return to play until they obtain medical clearance in compliance with the district return-to-play policy;
- B. All coaches, school nurses, school/team physicians and certified athletic trainers must complete an interscholastic head injury training program such as the National Federation of State High School Associations online "Concussion in Sports" training program or a comparable program that meets mandated criteria;
- C. The district shall monitor school district employees in the completion of an interscholastic head injury training program;
- D. The athletic head injury training program must include:
 - 1. The recognition of the symptoms of head and neck injuries, concussions, and injuries related to second impact syndrome; and
 - 2. Describe the appropriate time to delay the return to sports competition or practice of a student-athlete who has sustained a head injury or other head injury, but if no additional time is specified for a particular age-group or sport, the student-athlete may return when written medical clearance is given the student-athlete stating that he/she is asymptomatic, and the student-athlete has completed an appropriate graduated individualized return-to-play protocol.
- E. Distribution of New Jersey Department of Education, *Concussion and Head Injury Fact Sheet* to every student athlete who participates in interscholastic sports. The superintendent shall ensure that a signed acknowledgement of the receipt of the fact sheet is completed by the student-athlete's parent/guardian and is kept on file for future reference.

Required Concussion Protocol

- A. A student-athlete who is suspected of sustaining a sports related concussion or other head injury during competition or practice shall be immediately removed from play and may not return to play that day;
- B. Possible signs (could be observed by coaches, athletic trainer, school/team physician, school nurse):
 - 1. Appears dazed, stunned, or disoriented;
 - 2. Forgets plays, or demonstrates short term memory difficulty;
 - 3. Exhibits difficulties with balance or coordination;
 - 4. Answers questions slowly or inaccurately;
 - 5. Loses consciousness;
- C. Possible symptoms (reported by the student-athlete to coaches, athletic trainer, school/team physician, school nurse, parent/guardian):
 - 1. Headache;
 - 2. Nausea/vomiting;

SPORTS RELATED CONCUSSION AND HEAD INJURY (continued)

3. Balance problems or dizziness;
4. Double vision or changes in vision;
5. Sensitivity to light or sound/noise;
6. Feeling sluggish or foggy;
7. Difficulty with concentration and short term memory;
8. Sleep disturbance.

C. To return to competition and practice the student-athlete must follow the protocol:

1. Immediate removal from competition or practice;
2. School personnel (athletic trainer, school nurse, coach, etc.) should make contact with the student-athlete's parent/guardian and inform them of the suspected sports related concussion or head injury;
3. School personnel (athletic trainer, school nurse, coach, etc.) shall provide the student-athlete with approved information/medical checklist to provide to their parent/guardian and physician or other licensed healthcare professional;
4. The student-athlete must receive written clearance from their physician that the student is asymptomatic and may begin the graduated return-to-play protocol. School personnel (athletic trainer, school nurse, coach, etc.) may consult with the school/team physician after medical clearance is given from the student-athlete's physician.

Graduated Return to Competition and Practice Protocol

A. After written medical clearance is given stating that the student-athlete is asymptomatic, the student-athlete may begin a graduated individualized return-to-play protocol:

Step 1: No activity, complete physical and cognitive rest. The objective of this step is recovery;

Step 2: Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity less than 70% maximum percentage heart rate: no resistance training. The objective of this step is increased heart rate;

Step 3: Sport-specific exercise including skating, and/or running; no head impact activities. The objective of this step is to add movement;

Step 4: Non-contact training drills (e.g. passing drills). The student-athlete may initiate progressive resistance training;

Step 5: Following medical clearance (consultation between school personnel and students athletes physician), participation in normal training activities. The objective of this step is to restore confidence and assess functional skills by the coaching staff;

Step 6: Return to play involving normal exertion or game activity.

B. Symptom checklists, baseline testing and balance testing may be utilized;

C. If the student-athlete exhibits a re-emergence of any post concussion signs or symptoms once he or she returns-to-play, they will be removed from exertional activities and returned to their school/team physician or primary care physician;

D. If concussion symptoms reoccur during the graduated return-to-play protocol, the student-athlete will return to the previous level of activity that caused no symptoms.

Temporary Accommodations for Student Athlete with Sports Related Head Injuries

A. 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;

SPORTS RELATED CONCUSSION AND HEAD INJURY (continued)

- B. Mental exertion increases the symptoms from concussions, and affects recovery;
- C. To recover, cognitive rest is just as important as physical rest. Reading, studying, testing, texting -- even watching movies if a student is sensitive to light -- can slow down a student's recovery;
- D. In accordance with the Centers for Disease Control and Prevention toolkit on managing concussions, the board of education may look to address the students' cognitive needs. Students who return to school after a concussion may need to:
 - 1. Take rest breaks as needed, including physical education;
 - 2. Spend fewer hours at school;
 - 3. Be given more time to take tests or complete assignments;
 - 4. Receive help with schoolwork;
 - 5. Reduce time spent on the computer, reading, and writing;
 - 6. Be granted early dismissal from classes to avoid crowded hallways.

Annual Review

This policy shall be reviewed annually and updated as necessary to ensure that it reflects the most current information available on the prevention, risk, and treatment of sports-related concussions and other head injuries.

Adopted: January 13, 2011, January 2, 2019
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Concussion, Head Injury, Sports, Athletics,

Legal References: N.J.S.A. 18A:16-6, -6.1 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
N.J.S.A. 18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
N.J.S.A. 18A:40-3 Lectures to teachers
N.J.S.A. 18A:40-5 Method of examination; notice to parent or guardian
N.J.S.A. 18A:40-6 In general
N.J.S.A. 18A:40-7, -8, -10, -11 Exclusion of students who are ill
N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Students
N.J.S.A. 18A:40-41.4 Removal of student athlete or cheerleader from competition, practice; return
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.1, -1.3, -2.1, -2.3, -2.4
N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of School
See particularly: Facilities
N.J.A.C. 6A:26-12.3

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Possible

Cross References: *1410 Local units
 1420 County and intermediate units
 *3510 Operation and maintenance of plant
 *3516 Safety

SPORTS RELATED CONCUSSION AND HEAD INJURY (continued)

*4131/4131.1	Staff development; inservice education/visitations/conferences
4151.2/4251.2	Family illness/quarantine
*5125	Student records
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.21	Administering medication
*5142	Student safety
*5200	Nonpublic school students
*6142.4	Physical education and health

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

HEAD LICE

Consistent with the position of the New Jersey Department of Health, National Association of School Nurses and the American Academy of Pediatrics, the Board of Education believes that the management of pediculosis (infestation by head lice) should not disrupt the educational process. No disease is associated with head lice, and in school transmission is considered to be rare.

"No nit" policies requiring that students be free of nits before they return to school have not been effective in controlling transmission and are not recommended.

The certified school nurse, as a student advocate and nursing expert, shall be included in school district-community planning, implementation and evaluation of vector control programs for the school setting. The school nurse shall facilitate an accurate assessment of the problem, contain infestation, provide appropriate health information for treatment and prevention, prevent overexposure to potentially hazardous chemicals, and minimize school absence.

In cases that involve head lice, as in all school health issues, it is imperative that the school district and its employees prevent stigmatizing and maintain the student's privacy as well as the family's right to confidentiality.

Definitions

For the purposes of this policy, the following definitions shall apply:

- A. Head lice: small parasitic insects that live on the scalp and neck of a human host;
- B. Louse: singular of lice;
- C. Nymph: young, recently hatched louse;
- D. Active infestation: finding a live louse or nymph on the scalp, or a viable nit within 1 cm of the scalp;
- E. Pediculosis: an active infestation of head lice;
- F. Nit: an egg of a female louse, attached to the hair shaft;
- G. Non-viable nit: an egg found on the hair shaft farther than 1 cm from the scalp; already hatched;
- H. Viable nit: an egg found on a hair shaft closer than 1 cm from the scalp; considered to be unhatched;
- I. Ovicide: chemical which kills eggs/nits;
- J. Pediculicide: chemical which kills nymph stage and adult lice.

Regulations/Procedure

Any student suspected of having an active infestation will be referred to the school nurse for evaluation.

A student, with head lice or viable nits visualized by the school nurse, shall be referred for treatment at the end of the school day. Prompt treatment at home shall be advised, including removal of live lice and all viable nits. Immediate removal from school is not recommended.

District-approved written information about the identification and management of active head lice infestation will be provided by the school nurse to the parent/guardian of the affected student.

At the discretion of the school nurse, it may be appropriate to screen other children who have had close head to head contact with the student with active infestation, such as household family members, but classroom-wide or schoolwide screening is not generally indicated.

Students with nits only, shall not be excluded from school. A student with nonviable nits will be monitored, not be referred for treatment and may remain in school.

Upon return to school after treatment, the student will be reassessed for the presence of head lice/nits by the school nurse. If live lice are again visualized, the school nurse will contact the parent/guardian and reinforce the need for prompt treatment at home. The student may be permitted to return to the classroom.

If upon reassessment by the school nurse, nits are found, either at the time of the initial or return assessment, the student will be assessed at weekly intervals or more frequently at the discretion of the school nurse.

The school nurse is authorized to, in consultation with school administrator(s), exclude a student with repeated infestations of live lice or viable nits, or a student with a current infestation for which there is inadequate management by the parent/guardian. This student may be referred to his/her healthcare provider and/or the Salem County Health Department for additional intervention(s).

A copy of this policy and the New Jersey Department of Health Head Lice fact sheet shall be provided to parents/guardians at time of school registration and annually thereafter.

A copy of this policy and the New Jersey Department of Health Head Lice fact sheet shall be provided to district employees at time of hire and may be reviewed as needed.

Adopted: September 12, 2007, April 9, 2014, December 12, 2018
NJSBA Review/Update: April 2022
Readopted: December 14, 2022

Key Words

Lice, Head Lice, Nits, Eggs, Pediculosis, Nurse,

Legal References:	N.J.S.A. 18A:40-3	Lectures to teachers
	<u>N.J.S.A. 18A:48-7 et seq.</u>	Exclusion of pupils who are ill
	<u>N.J.S.A. 18A:40-8</u>	Exclusion of pupils whose presence is detrimental to health and cleanliness
	<u>N.J.S.A. 26:4-4</u>	Notice to local board to control disease; proceeding to compel action
	<u>N.J.S.A. 26:4-6</u>	Prohibiting attendance of teachers or pupils
	<u>N.J.A.C. 6A:1.1 et seq.</u>	Bylaw for the State Board of Education
	<u>N.J.A.C. 6A:2.1 et seq.</u>	Commissioner
	<u>N.J.A.C. 8:52-7 et seq.</u>	Public health nursing
	<u>N.J.A.C. 8:57-1.3</u>	Reportable diseases
	<u>N.J.A.C. 8:57-1.6</u>	Reporting positive laboratory tests denoting diseases
	<u>N.J.A.C. 8:57-2.1 et seq.</u>	Applicability; definition of AIDS, HIV infection, perinatal HIV exposure, and CD4 count
	<u>N.J.A.C. 8:61-1.1</u>	HIV services and definitions

www.nasn.org/ToolsResources/SCRATCHHeadLiceResources

Possible

Cross References: *3516 Safety
*3542 Food service

*4112.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
4151.2	Family illness/quarantine
*4212.4	Employee health
4251.2	Family illness/quarantine
*5111	Admission
*5125	Pupil records
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.4	Child abuse and neglect
*5141.21	Administering medication
*5142	Pupil safety
*5200	Nonpublic school pupils
*6142.4	Physical education and health

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

ADMINISTERING MEDICATION

The Salem City Board of Education shall not be responsible for the diagnosis and treatment of student illness. The administration of medication to a student during school hours will be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours.

For purposes of this policy, "medication" shall include all medicines prescribed by a physician for the particular student or medications prescribed by the district physician on standing orders. Medications shall include emergency medication in the event of bee stings, medication for asthma, diabetes, adrenal insufficiency or other medical diagnosis requiring medication during the school day, opioid antidote, and all non-prescription "over the counter" medication (see policy 5141).

Before any medication may be administered to any student either by the school nurse or designated school staff or by the student themselves during school hours, the board shall require the written consent of the parent/guardian which shall give permission for such administration and relieve the board and its employees of liability for administration of medication. In addition, the board requires the written order of the prescribing physician which shall include:

- A. The purpose of the medication;
- B. The dosage;
- C. The time at which or the special circumstances under which medication shall be administered;
- D. The length of time for which medication is prescribed;
- E. The possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

The district medical inspector shall develop procedures for the administration of medication which provide that:

- A. All medications, whether prescribed or "over the counter", shall be administered by the medical inspector, school nurse or substitute school nurse, the parent/guardian or the student himself/herself where the parent/guardian so permits and with the school nurse present;
- B. Medications shall be securely stored and kept in the original labeled container;
- C. The school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration;
- D. All medications shall be brought to school by the parent/guardian or adult student and shall be picked up at the end of the school year or the end of the period of medication, whichever is earlier;
- E. A student may self-administer medication without supervision of the school nurse for asthma or other life-threatening illnesses, a life-threatening allergic reaction or adrenal insufficiency, provided that the applicable requirements of this policy for such self-administration, as described below, are met. "Life-

ADMINISTERING MEDICATION (continued)

threatening illness" has been defined as an illness or condition that requires an immediate response to specific symptoms or sequelae that if left untreated may lead to potential loss of life such as, but not limited to, the use of an inhaler to treat an asthma attack or the use of an adrenalin injection to treat a potential anaphylactic reaction.

Nebulizers

Each school in the district shall have and maintain at least one nebulizer in the office of the school nurse or at a similar accessible location. The superintendent shall prepare and the board shall adopt regulations on the administration of asthma medication through the use of a nebulizer by the school nurse or his/her designee(s). Regulations shall be in accord with New Jersey statute and administrative code and shall include, but not be limited to the following:

- A. Requirement that each school nurse shall be authorized to administer asthma medication through use of a nebulizer;
- B. Requirement that each school nurse receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards;
- C. Requirement that each student authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the student's physician that identifies, at a minimum, asthma triggers and an individualized health care plan for meeting the medical needs of the student while attending school or a school-sponsored event.

Student Self-Administration of Medication

The board shall permit self-administration of medication for asthma, diabetes, other potentially life-threatening illnesses, a life-threatening allergic reaction or adrenal insufficiency by students who have the capability for self-administration of medication, both on school premises during regular school hours and off-site or after regular school hours when a student is participating in field trips or extracurricular activities.

Parents/guardians of the student must meet the following conditions:

- A. Provide the board with written authorization for the student's self-administration of medication;
- B. Provide written certification from the student's physician that the student has asthma, diabetes, ~~or~~ another potentially life-threatening illness, is subject to a life-threatening allergic reaction, or has adrenal insufficiency and is capable of and has been instructed in the proper method of self-administration of medication; and
- C. Sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the student.

A student who is permitted to self-administer medication shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, or prescribed medication for adrenal insufficiency at all times, provided that the student does not endanger himself or other persons through misuse.

The board shall:

- A. Inform the student and his/her parents/guardians that permission is effective for the school year for which it is granted and must be renewed for each subsequent school year upon fulfillment of requirements listed above;

ADMINISTERING MEDICATION (continued)

- B. Inform parents/guardians in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the student; and
- C. Maintain the right to revoke a student's permission to self-medicate if he/she has failed to comply with all conditions of this policy and/or has violated in any way the tenets of the agreement to self-medicate. The superintendent shall confer with the school physician and school nurse prior to recommending termination of a student's permission to self-medicate and shall also consult with the student, the student's parents/guardians and the student's physician.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom or on school grounds, if evaluated and determined to be capable of doing so consistent with the plan, and N.J.S.A. 18A:40-12.15 and board policy 5141 Health for specific rules regarding diabetes management.

Emergency Administration of Epinephrine

The board shall permit the school nurse or medical inspector to administer epinephrine via epi-pen or other pre-filled auto-injector mechanism in emergency situations. In their absence, a designee or designees who are employees of the board may do so.

The designees must be properly trained by the school nurse in the administration of the epi-pen or other pre-filled auto-injector mechanism using the standardized training protocol designated by the State Department of Education. Each designee shall receive individual training for each student for whom he/she is designated.

The board shall inform the student's parents/guardians in writing that if the specified procedures are followed, the district, its employees and agents shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism to the student.

Parents/guardians shall provide the board with the following:

- A. Written orders from the physician that the student requires the administration of epinephrine for anaphylaxis and does not have the capability for self-administration of the medication;
- B. Written permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism by the school nurse and designee(s); and
- C. A signed statement acknowledging their understanding that if the specified procedures are followed, the district shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s) to the student and that the district, its employees, and agents shall be indemnified and held harmless against any claims arising out of the administration of the epi-pen or other pre-filled auto-injector mechanism to the student.

Permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism shall be granted annually and must be renewed each school year upon the fulfillment of the above requirements.

Placement and Availability of Epinephrine, and Transportation to Hospital Emergency Room

Pursuant to N.J.S.A. 18A:40-12.6, school policy requires:

- A. The placement of a student's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored 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;
- B. The school nurse or designee to be promptly available on site at the school and school-sponsored

ADMINISTERING MEDICATION (continued)

functions in the event of an allergic reaction; and

- C. 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.

Emergency Administration of Epinephrine for First Time Allergic Reactions at School

The school nurse or trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis. This includes students whose parents/guardians have not submitted prior written permission or obtained prescribed medication as indicated in the rules above. Epinephrine may be administer to any student without a known history of anaphylaxis when the nurse or trained designee in good faith believes that the student is having an anaphylactic reaction

The district shall maintain a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse in a secure but unlocked and easily accessible location. The supply of epinephrine auto-injectors shall be accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.

Liability

No school employee, including a school nurse, or any other officer or agent of a board, or a physician or an advanced practice nurse providing a prescription under a standing protocol for school epinephrine shall be held liable for any good faith act or omission consistent with the provisions of law for the administration of epinephrine (N.J.S.A. 18A:40-12.5 et seq.). No action shall be taken before the New Jersey State Board of Nursing against a school nurse for any such action taken by a person designated in good faith by the school nurse to administer epinephrine according to law (N.J.S.A. 18A:40-12.6). Good faith shall not include willful misconduct, gross negligence or recklessness.

Emergency Administration of Hydrocortisone Sodium Succinate for Adrenal Insufficiency

In the event of an emergency, hydrocortisone sodium succinate shall be administered through an appropriate delivery device and equipment to a student for adrenal insufficiency provided that:

- A. The parents/guardians of the student provide to the board written authorization for the administration of hydrocortisone sodium succinate;
- B. The parents/guardians of the student provide to the board written orders from the physician or advanced practice nurse that the student requires the administration of hydrocortisone sodium succinate for adrenal insufficiency;
- C. The board informs the parents/guardians of the student in writing that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate; and
- D. The parents/guardians sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of hydrocortisone sodium succinate.

The permission is effective for the school year for which it is granted and is renewed for each subsequent school year.

Placement and Availability of Hydrocortisone Sodium Succinate, and Transportation to Hospital

The school nurse shall oversee the following school policy requirements for compliance with law (N.J.S.A.

ADMINISTERING MEDICATION (continued)

18A:40-12.3):

- A. The placement of a student's prescribed hydrocortisone sodium succinate in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of emergency situations at school or at a school-sponsored function. The location of the hydrocortisone sodium succinate shall be indicated on the student's emergency care plan. Back-up hydrocortisone sodium succinate, provided by the parent/guardian, shall also be available at the school if needed;
- B. The school nurse or designee shall be promptly available on site at the school and school-sponsored functions in the event of an emergency; and
- C. The transportation of the student to a hospital emergency room by emergency services personnel after the administration of hydrocortisone sodium succinate, even if the student's symptoms appear to have resolved.

Nothing in this policy shall be construed to prohibit the emergency administration of hydrocortisone sodium succinate to a student for adrenal insufficiency by the school nurse or other employees designated when the student is authorized to self-administer hydrocortisone sodium succinate.

Designee Training to Administer Hydrocortisone Sodium Succinate

The school nurse shall have the primary responsibility for the emergency administration of hydrocortisone sodium succinate. The school nurse shall designate, in consultation with the board, additional employees or volunteers to administer hydrocortisone sodium succinate to a student for adrenal insufficiency when the nurse is not physically present at the scene. The school nurse shall recruit and train, in consultation with the board of education, volunteer designees who are determined acceptable candidates by the school nurse within each school building, as deemed necessary by the nursing service plan.

The school nurse shall determine that:

- A. The designees have been properly trained in the administration of hydrocortisone sodium succinate using standardized training protocols established by the Department of Education in consultation with the Department of Health;
- B. The parents/guardians of the student consent in writing to the administration of hydrocortisone sodium succinate by the designees (in addition to the school nurse); and
- C. The parents/guardians of the student have received a written statement that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student, and that the parents/guardians have signed a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the student.

The permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the above-listed requirements in this section.

Emergency Administration of Opioid Antidote

"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.

ADMINISTERING MEDICATION (continued)

"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.

The school physician shall include an opioid antidote in the prescribed standing order for the schools of the district that include any of the grades nine through twelve. The superintendent, in consultation with the building principal of any school other than those including grades nine through twelve, shall determine whether the school physician shall include an opioid antidote in the prescribed standing order for such schools and shall report that determination to the board. The opioid antidote may be administered to any student, school personnel or other person reasonably believed to be experiencing an opioid overdose. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building. The superintendent, in consultation with each building principal regardless of grade, shall determine whether to make opioid antidotes accessible during school-sponsored functions that take place off school grounds and shall report each school's determination to the board.

The opioid antidote shall be stored in a secure but unlocked and easily accessible location, and according to the manufacturer's directions. To the extent that is safe and practical, the opioid antidote shall be stored at a reasonable proximity of an automated external defibrillator (AED). The school nurse shall be responsible for monitoring the on-site inventory of the opioid antidote, arranging for the replacement of the opioid antidote supply and ensuring the appropriate and safe disposal of administered and expired opioid antidote applicators.

Any student suspected of being under the influence of drugs or alcohol including students suspected of an opioid overdose shall be subject to board policy 5131.6 Drugs, Alcohol, Steroids and Tobacco and applicable law (including but not limited to N.J.A.C. 6A:16-3) regarding prevention, identification, examination, treatment, intervention and referral for substance abuse.

The school nurse shall be primarily responsible for the assessment of any student suspected of being under the influence of drugs or alcohol including, but not limited to, any student suspected of an opioid or other drug overdose. The board shall designate additional district employees ("designated employees") who volunteer to administer an opioid antidote in the event a person experiences an opioid overdose when the nurse is not physically present at the scene. Such designated employees shall receive training in administration of the opioid antidote in accordance with applicable law. The school nurse or designated employee who believes in good faith that a person is experiencing an opioid overdose may administer the opioid antidote.

The school nurse or his or her designee or a designated employee shall immediately call 911 upon suspecting an overdose, and notify the parents/guardians as soon as practicable. The school nurse or designee and any designated employee responding to a suspected overdose shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services.

If the school nurse or a designated employee are not immediately available and a district employee observes a person overdosing, the employee may contact emergency services. The employee who has contacted emergency services regarding a person suspected to have overdosed shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services.

An overdose victim shall be transported by emergency services personnel to the nearest hospital emergency room, including where the victim's symptoms appear to have resolved. The principal shall designate a member of the school staff to accompany the student to the hospital. The principal shall notify the superintendent whenever an opioid antidote is administered.

The school nurse shall document the incident including but not limited to:

ADMINISTERING MEDICATION (continued)

- A. Date, time and location of the incident;
- B. Names of any staff members or students reporting the incident;
- C. A description of the incident;
- D. Description of the evaluation conducted;
- E. The administration of opioid antidote including the form and dosage;
- F. All actions taken, including, when 911 was called, when emergency services arrived, staff assigned to accompany the student.

The documentation shall be in the same manner as the documentation of administration of other medications under a non-patient specific order.

A school may enter into a shared services agreement for the provision of opioid antidotes pursuant to applicable law if the arrangement will result in cost savings.

Training

The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote. As described above, the board shall designate additional employees ("designated employees") to administer the opioid antidote who shall be authorized to administer the antidote only after receiving training in accordance with applicable law. The school nurse shall not be solely responsible to train designated employees.

Parent Notification

Written notification of the board opioid overdose policy shall be distributed annually to parents/guardians and adult students. The notification shall inform parents/guardians and adult students that the board authorizes the certified school nurse and/or other appropriately licensed school health professionals as well as designated employees to administer the opioid antidote.

The school nurse, in consultation with the superintendent, shall be responsible for the development and regular review of policies and procedures regarding administration of opioid antidotes. The policies and procedures for the use of opioid antidote shall be included in district emergency response procedures.

Liability for the Administration of Opioid Antidote

No school employee, including a school nurse, or any other officer or agent of a board of education, charter school, or nonpublic school, or a prescriber of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of applicable law. Good faith shall not include willful misconduct, gross negligence, or recklessness.

Implementation

The board may adopt additional regulations on all aspects of the administration of medication. When implementing school policy and N.J.S.A. 18A:40-12.6, staff will consult these New Jersey Department of Education guidance documents:

- A. Training Protocols for the Emergency Administration of Epinephrine (9/08);
- B. Guidelines for the Management of Life-Threatening Food Allergies in Schools (9/08).

ADMINISTERING MEDICATION (continued)

Any person who acts in good faith in accordance with law and board policy shall be immune from any civil or criminal liability arising from actions performed pursuant to law and this board policy.

Adopted: February 14, 2005, December 12, 2007, May 6, 2015, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Administering Medication, Medication in School, Nebulizer, Epinephrine, Anaphylaxis, Asthma

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:40-1	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
	<u>N.J.S.A.</u> 18A:40-3.2 <u>et seq.</u>	Medical and Nursing Personnel
	<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of students
	<u>N.J.S.A.</u> 18A:40-12.3	Self-administration of medication by student; conditions
	through -12.4	
	<u>N.J.S.A.</u> 18A:40-12.5	Policy for emergency administration of epinephrine to public school students
	<u>N.J.S.A.</u> 18A:40-12.6	Administration of epinephrine; primary responsibility; parental consent
	through -12.6d	
	<u>N.J.S.A.</u> 18A:40-12.7	Nebulizer
	<u>N.J.S.A.</u> 18A:40-12.8	Administration of asthma medication by school nurse through nebulizer; training; student asthma treatment plan
	<u>N.J.S.A.</u> 18A:40-12.11	Children with diabetes
	<u>N.J.S.A.</u> 18A:40-12.12	Definitions
	<u>N.J.S.A.</u> 18A:40-12.13	Health care plans for children with diabetes
	<u>N.J.S.A.</u> 18A:40-12.14	Employees authorized to administer glucagon
	<u>N.J.S.A.</u> 18A:40-12.15	Management by student permitted
	<u>N.J.S.A.</u> 18A:40-12.16	Notice to bus driver
	<u>N.J.S.A.</u> 18A:40-12.17	Posting of reference sheet
	<u>N.J.S.A.</u> 18A:40-12.18	Medical information release
	<u>N.J.S.A.</u> 18A:40-12.19	Immunity
	<u>N.J.S.A.</u> 18A:40-12.20	Authorized possession of syringe
	<u>N.J.S.A.</u> 18A:40-12.21	School choice not restricted
	<u>N.J.S.A.</u> 18A:40-12.22	Administration of medical marijuana
	<u>N.J.S.A.</u> 18A:40-12.23	Emergency administration of opioid antidotes
	through <u>N.J.S.A.</u> 18A:40-12.28	
	<u>N.J.S.A.</u> 18A:40-21.1	Required Hepatitis B vaccination
	<u>N.J.S.A.</u> 18A:40-21.2	Distribution of fact sheet on meningitis
	<u>N.J.S.A.</u> 18A:40-23	Findings and Declarations
	<u>N.J.A.C.</u> 18A:40-24	Definitions
	<u>N.J.A.C.</u> 18A:40-25	Nursing services to students in non-public schools
	<u>N.J.S.A.</u> 18A:40-26	Medical services to non-public school students
	<u>N.J.S.A.</u> 18A:40-27.1	Nursing services to non-public preschool students
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 45:11-23	Definitions
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-1.3	Definitions

ADMINISTERING MEDICATION (continued)

<u>N.J.A.C.</u> 6A:16-2.1	Health services policy and procedural requirements
<u>N.J.A.C.</u> 6A:16-2.2	Required health services
<u>N.J.A.C.</u> 6A:16-2.3	Health services personnel
<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
<u>N.J.A.C.</u> 6A:16-2.5	School health services to nonpublic schools
<u>N.J.A.C.</u> 6A:16-4.1	Policies and procedures for the prevention of drug and alcohol abuse
<u>N.J.A.C.</u> 6A:23A-5.3(e)	Failure to maximize SEMI Aid
<u>N.J.A.C.</u> 6A:32-6.3	Requirements of physical examinations

P.L. 2018. C.106 (A542, S1830), an act concerning the emergency administration of opioid 1 antidotes in schools, supplementing chapter 40 of Title 18A of 2 the New Jersey Statutes, and amending P.L.2013, c.46

P.L. 2019, c. 118, an act concerning the self-administration and emergency administration of hydrocortisone sodium succinate for adrenal insufficiency

Overdose Prevention Act, P.L. 2013, c. 46

Bernards Township Education Association v. Bernards Township Board of Education, 1981 S.L.D. (9/29/81), aff'd State Board, 1982 S.L.D. 4/7/82, aff'd App. Div., unpublished opinion (A-4211-81T3, 5/18/83)

Communications Workers of America, Local 1033, On behalf of Karen Norton, Barbara Woolston, Mary Ellen Schoen et al. v. New Jersey State Department of Education, Marie H. Katzenbach School for the Deaf, State Board Docket #52-91

Protocol and Implementation Plan for the Emergency Administration of Epinephrine by a Delegate Trained by the School Nurse, New Jersey State Department of Education, October, 1998

For training for the administration of naloxone see:

<http://www.state.nj.us/humanservices/dmhas/initiatives/naloxone.html>

Possible**Cross References:**

*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.8	Sports related concussion and head injury
*6153	Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

Form

EMERGENCY ADMINISTRATION OF NALOXONE FOR DRUG OVERDOSE

Dear _____,
Parent/Guardian

Time is of the essence when a drug overdose occurs, or is believed to be occurring. Administering an opioid antidote (defined as naloxone hydrochloride or any other similarly acting drug approved by the United States Food and Drug Administration) blocks effects of opioids and can reverse a potentially life threatening overdose.

In accordance with the New Jersey Law (*P.L.* 2013, c. 46), the “Overdose Prevention Act” the school physician annually prescribes an opioid antidote including naloxone hydrochloride as part of the district’s physician standing order. The opioid antidote shall be administered in an emergency to any student, school personnel or other person during school hours or during on-site school-sponsored activities believed to be experiencing a opioid overdose. The board authorizes the drug to be administered by the school doctor, the school nurse, other appropriately designated individuals deemed, by a health care professional, capable of administering the opioid antidote, where the individual has been trained through a Department of Human Services (DHS) endorsed program to administer the opioid antidote.

The Salem City Board of Education hereby informs you that where board-approved policy and procedures are followed, the district, its employees, and designated individuals shall incur no liability whatsoever for any and all claims, damages, losses and expenses of any kind as a result of any injury arising from the good faith emergency administration of the opioid antidote.

Attach board policy and regulation: 5141.21 Administration of Epinephrine

MEDICAL MARIJUANA

The Salem City Board of Education recognizes that physical discomfort associated with certain debilitating medical conditions can negatively impact a student's ability to benefit from educational services provided by the school district. The board of education also recognizes that a student diagnosed with a debilitating medical condition may, through the legally prescribed use of medical marijuana, alleviate physical symptoms associated with the debilitating condition that occur during school hours, potentially increasing the student's availability to receive instruction. Therefore in accordance with law (P.L. 2015, c.158), a student who is legally prescribed medical marijuana and who possesses a current registry identification card from the New Jersey Department of Health (NJDOH), may be administered prescribed marijuana by a NJDOH registered primary caregiver.

The New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-3) provides that medical marijuana may be prescribed for the following debilitating medical conditions:

- A. Seizure disorder, including epilepsy; intractable skeletal muscular spasticity; or glaucoma if any of these conditions are resistant to conventional medical therapy;
- B. Positive status for human immunodeficiency virus; acquired immune deficiency syndrome; or cancer; if any treatment of these conditions cause severe or chronic pain, severe nausea or vomiting, cachexia, or wasting syndrome;
- C. Amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy, or inflammatory bowel disease, including Crohn's disease;
- D. Terminal illness, if the student's physician has determined a prognosis of less than 12 months of life; or
- E. Any other medical condition or its treatment that is approved by the NJDOH by regulation.

New Jersey Department of Health Medical Marijuana Program Authorization

Students authorized to use medical marijuana, including adult students, are not authorized by law to self-administer the medication on school grounds, on the school bus or at school sponsored activities. In all cases, a primary caregiver shall be required to assist with the administration of the prescribed medical marijuana on school grounds, on the school bus, or at school sponsored activities subject to law and this board policy.

In order for the prescribed medical marijuana to be legally administered, the student and primary caregiver shall possess a current registry identification card. The NJDOH shall issue a registry identification card only upon certification from a licensed physician in the State with whom a qualifying patient has a bona fide physician-patient relationship. The physician must be registered with the New Jersey Medical Marijuana Program to legally prescribe medical marijuana.

According to the Medical Marijuana Program the primary caregiver:

- A. Shall be a resident of New Jersey who is at least 18 years old;
- B. Has agreed to assist with a registered qualifying patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying patient's physician;
- C. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after July 19, 2010 and was for a violation of federal law related to possession or sale of marijuana that is authorized under the Compassionate Use Medical Marijuana Act;

MEDICAL MARIJUANA (continued)

- D. Has registered with the NJDOH, and has satisfied the criminal history record background check requirement; and
- E. Has been designated as primary caregiver on the qualifying patient's application or renewal for a registry identification card or in other written notification to the NJDOH.

Verification of Registration Status

The superintendent shall submit a written request to the NJDOH Medical Marijuana Program seeking verification of the registration status of the student and the caregiver.

Verification of the registration status of the student and the caregiver shall be requested not less than annually. Documentation of the request made to the NJDOH and any response the district receives from the NJDOH shall be kept in the student's confidential medical records and maintained in the office of the school nurse.

Administration of the Prescribed Medical Marijuana

While on school grounds, the primary caregiver shall be permitted to administer the prescribed medical marijuana in the office of the school nurse. The school nurse may designate other locations on school grounds. When an alternate location on school grounds other than the nurse's office is requested or required for the administration of the prescribed medical marijuana, the school nurse shall document the designated location in the appropriate student record (i.e. confidential medical record, individualized health care plan).

No student shall be permitted to carry the prescribed marijuana medication on school grounds, on school buses or at school sponsored activities. The prescribed medical marijuana shall not be stored on school grounds. It shall be the sole responsibility of the primary caregiver to maintain and administer the medication.

A primary caregiver shall bring the medication to school to administer the medication in the school nurse's office and shall leave school grounds with any remaining medication. Any packaging, containers or other materials associated with the caregiver's administration of the prescribed medical marijuana to the student shall be disposed of in the appropriate receptacle for hazardous materials in the nurse's office and at no other location on school property.

Any form of medical marijuana that is smoked is prohibited on school grounds, on school buses or at school sponsored events.

Liability

Any person in possession of prescribed medical marijuana or using prescribed medical marijuana and acting within the provisions of N.J.S.A. 2C:35-18 Exemption, Burden of Proof and in accordance with the Compassionate Use of Medical Marijuana Act (N.J.S.A. 24:6I-1) shall be immune from criminal liability and professional disciplinary action.

Possession of, or application for, a registry identification card shall not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or his/her property to inspection.

Adopted:	March 8, 2016, August 10, 2016, December 12, 2018
NJSBA Review/Update:	April 2022
Readopted:	December 14, 2022

Key Words

Marijuana, Medical Marijuana, Primary Caregiver

MEDICAL MARIJUANA (continued)

Legal References: N.J.S.A. 2C:35-18 Exemption, burden of proof
N.J.S.A. 24:6I-1 et seq. New Jersey Compassionate Use of Medical Marijuana Act
See particularly
N.J.S.A. 24:6I-4, -5
N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
N.J.A.C. 8:64-1.1 et seq. Medical Marijuana Program rules
See particularly
N.J.S.A. 8:64-1.1 Confidentiality

P.L. 2015, c.158 concerning medical marijuana

Possible

Cross References: *5131.6 Drugs, alcohol, tobacco (substance abuse)
*5141 Health
*5141.1 Accidents
*5141.2 Illness
*5141.3 Health examinations and immunizations
*5141.21 Administration of medication
*6153 Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5141.22

Exhibit

<u> </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

MEDICAL MARIJUANA

CONSENT FOR RELEASE OF MEDICAL INFORMATION

New Jersey Department of Health, Medical Marijuana Program

P. O. Box 360

Trenton, New Jersey 08625-0360

Student Name: _____ Date of Birth _____

Address _____

I understand that as the parent/guardian of the above-named student, I am not obligated to authorize disclosure of any information provided to the New Jersey Department of Health and that refusal to authorize disclosure shall in no way affect my rights or the rights of the above-named student to use medicinal marijuana.

I authorize the New Jersey Department of Health Medicinal Marijuana Program to disclose, to the school district, information verifying the registration and authorization status of the above-named student to use medicinal marijuana for a qualifying medical condition(s) pursuant to the *Compassionate Use Act, N.J.S.A. 24:6I-1 et al.* I understand that the disclosure may contain confidential health information pertaining to the student's medical diagnosis and treatment.

This consent is granted for the sole purpose of verifying the registration status and ongoing authorization of the student according to *N.J.S.A.24:6I-1 et al.* and for no other purpose.

Signature of student's parent/guardian _____

Relationship to Student _____

Date _____

Signature of the school nurse _____

Date _____

MEDICAL MARIJUANA (exhibit continued)MEDICAL MARIJUANA**PRIMARY CAREGIVER CONSENT FOR RELEASE OF INFORMATION****New Jersey Department of Health, Medical Marijuana Program**

P. O. Box 360

Trenton, New Jersey 08625-0360

Primary Caregiver Name: _____ Date of Birth _____

Address _____

Student Name: _____ Date of Birth _____

Address _____

I understand that as the primary caregiver of the above-named student, I am not obligated to authorize disclosure of any information provided to the New Jersey Department of Health and that refusal to authorize disclosure shall in no way affect my right to assist the above-named student in the use of medicinal marijuana.

I authorize the New Jersey Department of Health Medicinal Marijuana Program to disclose, to the school district, information verifying my registration and authorization status to assist in the above-named student's use of medicinal marijuana for a qualifying medical condition(s) pursuant to the *Compassionate Use Act, N.J.S.A. 24:61-1 et al.*

This consent is granted for the sole purpose of verifying the registration status and ongoing authorization of the primary caregiver to assist in the use of medicinal marijuana according to *N.J.S.A.24:61-1 et al.* and for no other purpose.

Signature of the primary caregiver

Relationship to Student

Date

Signature of the school nurse

Date

STUDENT SAFETY

The Salem City Board of Education recognizes the safety of its students as a consideration of utmost importance. The superintendent shall consult law enforcement agencies, health and social service providers, emergency management planners and other school and community resources in the development of the plans, procedures and mechanisms for school safety. The superintendent shall oversee development of a districtwide safety program with emphasis on accident prevention.

Facilities

The superintendent shall maintain all facilities and equipment in proper condition to provide a safe learning environment, ensuring compliance with state law on the handling, labeling and storing of hazardous substances. Safety regarding all aspects of playground equipment and activity will be maintained and supervised in compliance to law and code.

Staff Education and Training

All teachers shall be familiar with the provisions of this program that particularly concern them.

The superintendent shall inform all newly employed staff of school safety rules and regulations within 60 days of the effective date of their employment. All district employees will receive the appropriate inservice training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the district safety plans, procedures and mechanisms. The district safety plan will be updated annually and all employees will be notified of updates and changes to the safety plan in writing. Regulations concerning use and maintenance of eye protective devices shall be scrupulously enforced by all staff.

Student Supervision

The staff must maintain complete classroom and playground supervision during regular school hours. The superintendent shall seek the cooperation of parents/guardians to prevent any children being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the superintendent shall seek the cooperation of the police and other appropriate agencies in providing for the safety of students on or around school property. The board shall adopt the necessary regulations governing supervision of student safety.

No student shall leave the school before the end of the school day without permission of the principal. No student shall run errands on school business off the school property.

The curriculum shall include courses in safety as required by state law. The superintendent shall oversee development and implementation of a vocational education safety program correlated with coursework. In development of courses, the safety of participating students shall be a primary consideration.

Employers of work/study students are required to report to the superintendent or designee if a student has not reported for work within one hour of the expected arrival time. Other students leaving before regular dismissal must be met in the school office and signed out by a parent/guardian or a person authorized to act in his/her behalf.

A record shall be kept indicating the legal custodian of each student. Such custodian shall be responsible for informing the superintendent of any change in the student's custody. If one parent/guardian has been awarded custody of the student in a divorce, the other parent/guardian shall present to the principal a letter

PUPIL SAFETY (continued)

authorizing him/her to accompany the child from school before the child may be released. The principal may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

Supervision of Students During Dismissal

Dismissal will be supervised. District staff will be assigned to specific locations and given defined responsibilities to supervise student dismissal in each district school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The superintendent is responsible for overseeing the development of protocols that are tailored to the age and needs of the students at each school facility. At a minimum these protocols shall include:

- A. Staff assigned to supervise dismissal and their locations and responsibilities;
- B. Where children will be retained awaiting appropriate escort and/or designated transportation;
- C. Provisions for supervision when a parent/escort is unable to pick up their child at the appropriate dismissal time; and
- D. Location and presence of municipal crossing guards.

The board will review the dismissal procedures annually.

Supervision of Non-Bused Students at Dismissal

The Salem City Board of Education shall require that the parent/guardian notify the school in advance of any arrangements for students requiring appropriate escort or designated transportation. The board requires signed permission for a student to be dismissed to walk home unescorted.

All documented arrangements will be considered permanent for the entire school year. Parents/Guardians may alter arrangements upon prior written notification to the superintendent or designee.

Parents/guardians leaving students at school that are to be escorted home will be reported to the proper authorities.

The superintendent or designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The superintendent or designee is responsible for keeping a record of the dismissal arrangements and implementing the appropriate dismissal supervision in accommodation of these arrangements.

Notification of Dismissal Protocols

The superintendent or his designee shall ensure that parents are notified of the following:

- A. School calendar including school closure and early dismissal dates and times; and any adjustments to the calendar;
- B. The school dismissal policy;
- C. Dismissal protocol for all bused students, non-bused students and students in after-school programs or activities;
- D. Supervision arrangements for students at dismissal;

PUPIL SAFETY (continued)

- E. Emergency plan for supervision of students left at school;
- F. After school program opportunities;
- G. Procedures for enrolling students in after school programs.

The parent/guardian is responsible for reviewing the school calendar and complying with all school dismissal times and procedures. It is the parents/guardians responsibility to resume the custody of their child at the end of each school day.

The superintendent will develop procedures:

- A. For parents/guardians to provide signed acknowledgement of receipt of the school calendar, including all school closure and early dismissal dates, and the school dismissal policy and procedures;
- B. For parents/guardians to indicate and define the circumstances that the student is to be released from the school's care at dismissal;
- C. For the collection and retention of all documents pertaining to receipt of calendar and escort/transportation arrangements.

Voluntary Fingerprinting Program

The board of education shall provide a voluntary fingerprinting program for the protection of its students. This program shall be carried out in cooperation with the county sheriff's office and local law enforcement officials in accordance with the requirements of law.

All students in grades kindergarten through nine shall be eligible to participate with written authorization of their parent/guardian. Completed fingerprint cards shall be given to the parent/guardian and shall not be retained by the school district or the law enforcement agency.

The superintendent is directed to provide an orientation program for those students for whom fingerprinting has been authorized, and to develop appropriate administrative regulations for the implementation of the voluntary fingerprinting program in the district.

Potentially Missing Children

Attendance practices, the dismissal precautions addressed in this policy and voluntary fingerprinting are part of the district's effort toward early identification of potentially missing children.

The superintendent will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

Release to an Individual Impaired by Drugs/Alcohol Prohibited

The board believes that allowing a child to be released into the custody of a parent/guardian or other authorized individual who appears to be impaired by drugs or alcohol can have tragic consequences. Therefore, the board prohibits release of a student into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the student if released to such a person. The superintendent/designee shall make the final determination as to whether an individual is

PUPIL SAFETY (continued)

impaired.

Possessions

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The board is not responsible for items destroyed or stolen from lockers.

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The superintendent and principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the district. Principals shall inform those employees/ volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principals shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the superintendent or designee shall inform the vendor. Notification may include, but is not limited to:

- A. Aides;
- B. Bus drivers;
- C. Coaches;
- D. Maintenance staff;
- E. Professional support staff;
- F. School level administrative staff;
- G. Security personnel;
- H. Teachers' aides;
- I. Teachers.

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, etc;
- B. Organizations using school facilities;
- C. Other schools;
- D. Press.

PUPIL SAFETY (continued)

The principal shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, which wish to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the principal, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the principal that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The superintendent shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

Rights of Parents

The Board of Education recognizes that the parents of each child are ultimately responsible for the care and custody of that child, and that both parents share that responsibility equally. The Board recognizes as well that, where only one parent has legal custody of a child, the custodial rights and responsibilities of the other parent may be limited. The Board believes that the interests of each child are best served by the continuing involvement of both parents in the child's life and well-being.

The Board will presume that each natural or adoptive parent or legal guardian of a pupil enrolled in this district possesses full parental rights of access to the pupil and to information about the pupil, notwithstanding any separation of the parents or dissolution of their marriage. Accordingly, and in the absence of notice to the contrary, the Board directs that school administrators accommodate the needs of both parents for access to their child, to their child's teachers, and to information about their child.

The Board's presumption of the equal rights and responsibilities of parents may be set aside only upon the presentation to the Superintendent of Schools of proper notice that custody of a pupil resides in only one parent and that the custodial rights of the other parent have been limited. When such notice is duly presented, the Superintendent of Schools will be directed by the terms of that notice to limit the access of the non-custodial parent to the child or to information about the child. Proper notice consists of the custodial parent's sworn affidavit or certification supported by a copy of the pertinent portion of a legal agreement or court order that awards custody and establishes the rights and limitations of the non-custodial parent or terminates the parental rights of the non-custodial parent.

Nothing in this policy shall be construed as limiting in any way the rights of the non-custodial parent whose parental rights have not been terminated to full access to his/her child's records and to full participation, in accordance with law, in the decisions regarding his/her handicapped child's evaluation, classification and placement.

Personal Property

PUPIL SAFETY (continued)

Parents are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The Board is not responsible for items destroyed or stolen.

School Violence Awareness Week and Annual Public Hearing

The school shall observe "School Violence Awareness Week". This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

The board of education shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Student Safety, Safety, Student Safety

Legal References: N.J.S.A. 2C:7-2 et seq.

N.J.S.A. 2C:39-5
N.J.S.A. 18A:6-2
N.J.S.A. 18A:16-2
N.J.S.A. 18A:17-42,
 -43 and -45 through -48
N.J.S.A. 18A:20-21
N.J.S.A. 18A:35-5
N.J.S.A. 18A:35-5.1
 through -5.3

N.J.S.A. 18A:36-24
 through -25
N.J.S.A. 18A:36-29 et seq.
N.J.S.A. 18A:40-12.1, -12.2

N.J.S.A. 18A:41-1 et seq.
N.J.S.A. 30:5B-26
 through -29
N.J.S.A. 34:5A-1 et seq.
N.J.S.A. 39:4-183.1a
N.J.S.A. 52:27D-123.9 et seq.
N.J.A.C. 5:23-11 to 11.4
N.J.A.C. 6A:8-5.1
N.J.A.C. 6A:16-1.1 et seq.
See particularly:
N.J.A.C. 6A:16-2.1, -5.1,

Registration and Notification of Release of Certain Offenders

Unlawful possession of weapons
 Instruction in accident and fire prevention
 Physical examinations; requirement

Public School Safety Law
 Supervisors and other employees
 Maintenance of physical training courses; features

Lyme disease prevention; public school health curriculum

Missing children; legislative findings and declarations...

Voluntary fingerprinting ...
 Protective eye devices required for teachers, students and visitors in certain cases ...
 Fire drills and fire protection

Child care before and after school hours ...
Worker and Community Right to Know Act
 Traffic control devices
 Definitions relative to playground safety
 Playground Safety Subcode
 Graduation requirements
 Programs to Support Student Development

PUPIL SAFETY (continued)

-5.2, -5.5, -5.6, -5.7, -6.1,
-6.2, -6.3, -6.4, -6.5

N.J.A.C. 6A:19-6.1 et seq. Safety and Health Standards

See particularly:

N.J.A.C. 6A:19-6.5

N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of Facilities

See particularly:

N.J.A.C. 6A:26-12.2, -12.5

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

Jenkins v. Anderson, 191 N.J. 285 (June 14, 2007)

Possible

<u>Cross References:</u>	*1250	Visitors
	*1410	Local units
	*3000/3010	Concepts and roles in business and noninstructional operations
	*3516	Safety
	3530	Insurance management
	*3541.33	Transportation safety
	*4112.4/4212.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5125	Student records
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*5141.1	Accidents
	*5141.2	Illness
	*5141.4	Child abuse and neglect
	*5141.8	Sports related concussion and head injury
	*5141.21	Administering medication
	*5145.12	Search and seizure
	*6114	Emergencies and disaster preparedness
	*6142.12	Career education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SAFETY PATROLS

The board believes that student safety patrols can contribute greatly to the development of good traffic habits and can provide opportunities for growth in leadership skills.

Therefore, the superintendent shall develop regulations for the formation of safety patrols.

These regulations shall include, but not be limited to, provision for:

- A. Appointment of a faculty advisor to select, instruct and discipline members of the safety patrol;
- B. Informing candidates and their parents/guardians of the purpose and activities of the patrol and the possible hazards;
- C. Obtaining signed, written consent from the parent/guardian for the student's involvement in the safety patrol;
- D. An outline of duties suitable to each school building;
- E. Cooperation with the police.

NJSBA Review/Update: April 2022
Readopted: December 14, 2022

Key Words

Student Safety, Student Safety, Safety, Safety Patrols

Legal References: N.J.S.A. 18A:42-1 Safety patrol by students
N.J.A.C. 6A:26-12.2(a)3 Policies and procedures

Possible

Cross References: *3516 Safety
*3541.33 Transportation safety
*4131/4131.1 Staff development; inservice education/visitations/conferences
*4112.4/4212.4 Employee health
*4231/4231.1 Staff development; inservice education/visitations/conferences
*5020 Role of parents/guardians
*5124 Reporting to parents/guardians
*5125 Student records
*5131 Conduct/discipline
*5141.1 Accidents
*5141.2 Illness
*5142 Safety

*Indicates policy is included in the Critical Policy Reference Manual.

EQUAL EDUCATIONAL OPPORTUNITY

The district shall provide equal and bias-free access for all students to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, socioeconomic status, disability, or pregnancy. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

The school district will ensure that all students will have barrier-free access to all school and classroom facilities, that minority and female students are not under- represented in gifted and talented or accelerated/advanced courses and that minority and male students are not over-represented in detentions, suspensions, expulsions, dropouts, or special needs classifications. Support services will be available to all students and that all limited English-proficient students and students with disabilities will have equal and bias-free access to all school programs and activities. The school district will ensure equal and bias-free access for all students to computers, computer classes, vocational education classes, and technologically-advanced instructional assistance, regardless of race, color, creed, religion, national origin, ancestry, age, marital status, affectation or sexual orientation or sex, social or economic status, or disability.

The Salem City Board of Education will refrain from locating new facilities in areas that will contribute to imbalanced, isolated, or racially identifiable school enrollments. The school district administration will assign students to ensure that the racial/national origin composition of each school's enrollment reflects the composition of the district wide enrollment and so that school and classroom enrollments are not identifiable on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectation or sexual orientation or sex, social or economic status, or disability.

Staff members shall maintain professional relationships with students at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each student as an individual and to accord each student the rights and respect that are his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each student's potential in regard to his/her program, consistent with district goals and with optimal opportunities for students. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all students;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of students;
- D. Treating all students with consistent fairness.

The board of education guarantees all students equal access to all academic programs within the learning environment.

Students shall respect the rights of other students to receive an education in an environment that is conducive to learning and personal growth. No student shall have the right to abridge another student's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

EQUAL EDUCATIONAL OPPORTUNITY (continued)Service Animals

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Harassment

The district's affirmative action program is part of each academic program regarding all students. No one, including students, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/ discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

All reported incidents of harassment, intimidation or bullying shall be handled according to law and board policy 5131.1 Harassment, Intimidation and Bullying. Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Any member of the student body may file a formal grievance related to harassment. The school anti-bullying specialist will receive all complaints and initiate a thorough investigation and will protect the rights of both the student making the complaint and the alleged harasser. If the victim is from a protected class, the affirmative action officer will be included in the investigation. Filing of a grievance or otherwise reporting harassment of any kind will not reflect upon the student's status nor affect future grades or class assignments.

The administration will inform all students that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a student's refusal to submit to sexual advances will adversely affect the students standing in the school setting. Students are forbidden to harass other students or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

Equity in School

The board of education shall maintain an academic environment that is free from harassment and provide

EQUAL EDUCATIONAL OPPORTUNITY (continued)

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

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation. Exact appointment is not required. The ultimate goal shall be to achieve the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;
- C. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
- D. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
- E. The district curriculum will be aligned with the New Jersey Student Learning Standards and address the elimination of discrimination by narrowing the achievement gap by:
 - 1. Providing equity in educational programs and by providing opportunities for students to interact with others proactively regardless of status;
 - 2. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
 - 3. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
 - 4. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
 - 5. Ensuring schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
 - 6. Ensuring African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
 - 7. Ensuring instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate; and
 - 8. Ensuring that students are not discriminated against because of a medical condition.
- F. All students shall have support services, including intervention and referral services, school health services and counseling services; and
- G. Physical education program and athletic programs shall be equitable and co-educational and do not discriminate based on protected class status.

Procedures shall be made available for students and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or superintendent. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Bias-Related Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a bias-related act (hate crime) or is about to commit one shall immediately inform

EQUAL EDUCATIONAL OPPORTUNITY (continued)

the building principal and superintendent. All incidents of bias-related acts shall be reported whether they occur during school hours on school grounds or otherwise. The principal or his or her designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office.

The principal or his or her designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

All incidents shall be reported utilizing the Student Safety Data System (SSDS) according to board policy 5131.5 Violence and Vandalism.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

Implementation

The superintendent shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The superintendent shall ensure that, annually, all staff and all students (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and students shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The superintendent shall also ensure that staff and students participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The superintendent shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Adopted: February 14, 2005, December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

<p><u>Legal References:</u> <u>N.J.S.A.</u> 2C:16-1 <u>N.J.S.A.</u> 2C:33-4 <u>N.J.S.A.</u> 10:5-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:36-20 <u>N.J.S.A.</u> 18A:37-14 <u>N.J.S.A.</u> 18A:38-5.1 <u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:7-1.4,-1.7 <u>N.J.A.C.</u> 6A:16-6.3(e)</p>	<p>Bias Intimidation Harassment Law Against Discrimination Discrimination; prohibition Electronic communication, harassment, intimidation or bullying defined No child to be excluded from school because of race, etc. Managing for Equality and Equity in Education Reporting students or staff members to law enforcement Authorities</p>
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EQUAL EDUCATIONAL OPPORTUNITY (continued)

N.J.A.C. 6A:17-1.1 et seq. Education of Homeless Children and Students in State Facilities

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

20 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) -Part B

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

28 C.F.R. 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services (covers service animals)

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. Lexis 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*5131.1	Harassment, intimidation and bullying
	*5134	Married/pregnant students
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

<u>Cross References:</u>	*1100	Communicating with the public
	*1110	Media
	*1120	Board of education meetings
	*1140	Distribution of materials by students and staff
	*1250	Visitors
	1320	Participation in out-of-school community activities
	*5125	Student records
	*5141.4	Child abuse and neglect

PHOTOGRAPHS OF PUPILS (continued)

- *5145.12 Search and seizure
- 6142.10 Technology
- 6145.3 Publications
- 6145.4 Public performances and exhibitions
- *6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

<u>X</u>	Other Reasons
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Cross References: 1251 Loitering or causing disturbance
 *1312 Community complaints and inquiries
 *5113 Absences and excuses
 *5114 Suspension and expulsion

- *5131 Conduct/discipline
- *5131.1 Harassment, intimidation and bullying
- 5131.4 Campus disturbances
- *5145.4 Equal educational opportunity

*Indicates policy is included in the Critical Policy Reference Manual.

GENDER IDENTITY AND EXPRESSION

The board of education believes that a school culture that supports student achievement, respects the values of all students and fosters understanding of gender identity and expression within the school community is a safe learning environment. New Jersey law and district policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, gender identity or gender expression. Therefore, in keeping with these mandates the board is committed to creating a safe learning environment for all students and to ensuring that every student has equal access to all school programs and activities.

The board believes that fostering this understanding successfully requires cooperation and good communication between the parents/guardians, school administration, school staff and the school community. The superintendent shall ensure that students with gender identity or expression concerns and their parents/guardians shall be given the opportunity to discuss these issues and participate in the educational planning and programming for their student. The superintendent may consult the experiences and expertise of qualified school staff as well as external resources where appropriate.

To proactively plan for a safe learning environment free of discrimination and harassment, students and parents/guardians of students with gender identity and expression concerns are encouraged to alert the school district and schedule a meeting with the superintendent. Upon request, the superintendent shall schedule a meeting with the parent/guardian and the student for the purpose of evaluating the needs of the student and planning any accommodations that may be considered to facilitate a respectful and comfortable school program that supports the student's achievement.

Definitions:

- A. "Gender identity" is a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.
- B. "Transgender" is a term which describes an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.
- C. "Gender expression" means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.
- D. "Assigned sex at birth (ASAB)" refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.
- E. "Gender assigned at birth" refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.
- F. "Sexual orientation" describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.
- G. "Gender non-conforming" describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.

GENDER IDENTITY OR EXPRESSION (continued)

- H. "Transition" is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo a physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase "sex change," as it is an inaccurate description of the transition process; the process is more accurately described as "gender-confirming."
- I. "LGBTQ" is an acronym for "lesbian, gay, bisexual, transgender, and queer/questioning."
- J. "Gender expansive/gender diverse/gender fluid/gender non-binary/agender/gender queer" are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student's gender identity.
- K. "Cisgender" refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

Harassment, Intimidation and Bullying

The board shall make every effort to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, family status or other distinguishing characteristic.

Complaints alleging discrimination shall be reported to the school affirmative action officer according to board policies (2224, 4111.1/4211.1 and 6121 Nondiscrimination/Affirmative Action).

Any student experiencing or observing harassment, intimidation and bullying is encouraged to report the incident to a member of school staff. Any staff member observing or receiving a report of harassment, intimidation or bullying shall report the incident to the principal the same day the incident is observed or the report received according to board policy 5131.1 Harassment, Intimidation and Bullying. All reported incidents of discrimination, harassment, intimidation, and bullying shall be promptly investigated and resolved according to law and board policy.

During a harassment, intimidation, or bullying investigation the district is obligated to implement procedures, pursuant to law (N.J.A.C. 6A:16-7.7(a)2viii) to report, verbally and in writing, an act of harassment, intimidation, and bullying (HIB) committed by an adult or youth against a student. The anti-bullying specialist shall inform the student of the school's obligation to report the findings of the HIB investigation pursuant to law (N.J.S.A. 18A:37-15(d)) and board policy 5131.1 Harassment, Intimidation and Bullying. In accordance with law and board policy the parents or guardians of the students who are parties to the investigation are permitted to receive information about the investigation limited to the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

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

Confidentiality and Privacy

School personnel may not disclose information that may reveal a student's transgender or gender non-conforming status, except as allowed by law. Under the Family Educational Rights and Privacy Act (FERPA), only those school employees with a legitimate educational need may have access to a student's records or

GENDER IDENTITY OR EXPRESSION (continued)

the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others. The school counselor shall work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The board shall not be responsible for the disclosure of information that may reveal a student's transgender or gender non-conforming status made by community members or any other party that are not under the employment or direction of the board. The board directs the counseling staff to address the limitations of confidentiality with the student as it pertains to community members and other parties that are not under the employment or direction of the board.

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

School personnel shall keep confidential a current, new, or prospective student's transgender status. When a student uses a chosen name, the student's birth name shall be kept confidential by school and district staff.

Students who do not want their parents/guardians to know about their transgender status shall be addressed on a case-by-case basis. In some cases, notifying parents/guardians carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parents/guardians will be involved in the process and must consider the health, well-being, and safety of the transitioning student. The school counselor shall balance the rights of the student needing support and the requirement that parents/guardians be kept informed about their child. In accordance with law, parents/guardians and/or the appropriate local officials shall be informed when there is any suspicion of injury or harm to the student or other students.

Coordination of School Accommodations

In planning appropriate accommodations for a student who is transitioning, the superintendent, parents/guardians and the student and other qualified staff or consultants as necessary shall meet to discuss actions that the district and school personnel may take to create safe learning environment, including:

A. Names/Pronouns

School staff shall be directed to address the student by the name and pronoun corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their student personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status.

School documentation such as student IDs shall be issued in the name that reflects a student's gender identity that is consistently asserted at school.

B. Sports and Physical Education

Transgender students shall be provided the same opportunities to participate in physical education as are all other students. Generally, students may be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in

GENDER IDENTITY OR EXPRESSION (continued)

competitive interscholastic athletic activities will be resolved on a case-by-case basis and according to the standards established by the New Jersey State Interscholastic Athletic Association (NJSIAA).

C. Restroom and Locker Room Accessibility

The district aims to support transgender students while also ensuring the safety and comfort of all students. The superintendent together with the parents/guardians, student and other qualified staff or consultants shall evaluate options for the use of restrooms and locker rooms by the transgender students and consider the following factors, including, but not limited to:

1. The transgender student's preference;
2. Protecting student privacy;
3. Maximizing social integration of the transgender student;
4. Minimizing stigmatization of the student;
5. Ensuring equal opportunity to participate;
6. The student's age; and
7. Protecting the safety of the students involved.

Generally students may have access to the restroom or locker room that corresponds to the gender identity or expression that they consistently assert at school and no student shall be forced to accept an accommodation with which he/she disagrees. A transgender or transitioning student who expresses a need or desire for increased privacy may be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall, gender neutral restroom. Any alternative arrangement shall be provided to the extent possible in a way that protects the student's ability to keep his or her transgender status confidential.

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity or expression consistently asserted at school.

D. Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students may be permitted to participate in accordance with the gender identity or expression consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

E. Dress Code

Students have the right to dress in accordance with their gender identity or expression that is consistently asserted at school, within the constraints of the school policy for student dress (5132 Student Dress). School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

F. Privacy

The superintendent and/or his or her designees are expected to work closely with the student and his or her parents/guardians in formulating an appropriate plan regarding the confidentiality of the student's transgender or transitioning status that works for both the student and the school. Privacy considerations may also vary with the age of the student.

Where the transgender or transitioning student feels more supported and safe when other students are aware that they are transgender or transitioning, school staff shall be given guidance and training appropriate for facilitating a respectful school climate. School personnel may be directed to work closely with the student, parents/guardians, other family members and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts.

GENDER IDENTITY OR EXPRESSION (continued)Resources for Transgender or Transitioning Students

If a school staff member observes that a gender identity issue is creating challenges for a student at school or if a student indicates an intention to transition, the staff member shall alert the school counselor and encourage the student to meet with the school counselor if appropriate. School staff shall make every effort to support the student and encourage the support and respect of student peers and staff during school.

When a student indicates an intention to transition, the school counselor, as appropriate, shall offer assistance and provide the student, and/or their parents/guardians as appropriate, with information, resources and referral services regarding the issues associated with gender identity and expression and/or formal gender transition. The school counselor shall also provide information regarding gender transition planning at school. The counselor shall coordinate the measures planned and taken at school for supporting the student and creating a sensitive supportive environment at school. These measures may include:

- A. Making resources available to parents/guardians who have additional questions or concerns;
- B. Developing age-appropriate lessons for students about gender diversity and acceptance: and
- C. Staff training surrounding vigilance to prevent possible harassment, intimidation and bullying issues that may arise for transgender or transitioning students.

Reports of harassment, intimidation and bullying shall be promptly investigated and resolved according to board policy 5131.1 Harassment, Intimidation and Bullying.

Official Records

When a student has expressed a preference to be called by a name other than their birth name, the permanent student records containing the student's birth name shall be kept in a separate, confidential file. This file shall only be shared with appropriate school staff after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept.

If the student has previously been known at school or in school records by a birth name, the principal shall direct school personnel to use the student's chosen name and not the student's birth name. To ensure consistency among teachers, school administrators, substitute teachers and other staff, every effort shall be made to immediately update student education records (for example, attendance records, transcripts, individualized education programs, etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student:

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

The separate record reflecting the student's legal name and sex assigned at birth may be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law. The following documentation may be provided:

- A. A court order or birth certificate demonstrating the student's new name;
- B. For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.

GENDER IDENTITY OR EXPRESSION (continued)

Adopted: February 10, 2021
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Gender Identity, Transgender, Gender Expression, Gender Non-conforming

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:16-1	Bias intimidation
	<u>N.J.S.A.</u> 2C:33-4	Harassment
	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:26-1	Citizenship of teachers, etc.
	<u>N.J.S.A.</u> 18A:26-1.1	Residence requirements prohibited
	<u>N.J.S.A.</u> 18A:29-2	Equality of compensation for male and female teachers
	<u>N.J.S.A.</u> 18A:37-14 through -19	Harassment, intimidation, and bullying defined; definitions
	<u>N.J.S.A.</u> 18A:36-20	Discrimination; prohibition
	<u>N.J.S.A.</u> 18A:36-41	Development, distribution of guidelines concerning transgender students
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Executive Order 11246 as amended

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

Comprehensive Equity Plan, New Jersey Department of Education

Doe v. Regional School Unit 26, No. 12-582 (Me. Jan. 30, 2014)

New Jersey Department of Education, Transgender Student Guidance for School Districts, September 2018.

<https://nj.gov/education/students/safety/sandp/transgender/Guidance.pdf>.

NJSIAA, Constitution, Bylaws, Rules and Regulations, Transgender Policy (pg. 75), <http://www.njsiaa.org/resources/njsiaa-handbook>

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4111	Recruitment, selection and hiring
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.

GENDER IDENTITY OR EXPRESSION (continued)

The following organizations provide support to transgender individuals:

- [GLSEN](#) model policy. GLSEN is a prominent organization supporting GLBT youth. They have resources about creating safe and supportive environments for students.
- [The Trevor Project](#) is the leading national organization focused on crisis and suicide prevention efforts among lesbian, gay, bisexual, transgender and questioning youth.

Resources For Parents, Educators, And Service Providers:

Founded in 1972 with the simple act of a mother publicly supporting her gay son, PFLAG is the nation's largest family and ally organization.

PFLAG Resources

- [Welcoming our Trans Families and Friends](#)

Download this free guide (PDF) to get the basics on what being transgender means, how to talk about it, and how to find the resources that can support you.

- [Find a PFLAG Chapter.](#)

There are more than 350 chapters of Parents, Families and Friends of Lesbians and Gays (PFLAG) across the U.S. Find one near you right now.

Partner Organizations Resources

- [National Center for Transgender Equality](#)

Knowing and using correct language can be very important to transgender and gender non-conforming people, just like everyone else. Here is a handy terminology guide regarding gender identity.

- [American Psychological Association](#)

This downloadable pamphlet from the APA answers questions about transgender people, gender identity and gender expression.

Parent and Educator Resources

- [Gender Spectrum](#)

Raising children who don't fit neatly into male or female boxes brings a wealth of questions and uncertainties. Here you will find information and support to assist you in your search for answers.

- [Trans Youth Equality Foundation](#)

The Trans Youth Equality Foundation is based in Maine, but offers education, advocacy and support for transgender and gender non-conforming children and youth and their families everywhere by sharing information about the unique needs of this community and partnering with families, educators and service providers to help foster a healthy, caring, and safe environment for all transgender children.

- [Families in TRANSition: A Resource Guide for Parents of Trans Youth](#)

Families in TRANSition: A Resource Guide for Parents of Trans Youth is the first comprehensive Canadian publication (created by Central Toronto Youth Services) to address the needs of parents and families supporting their trans children. It summarizes the experiences, strategies, and successes of a working group of community consultants – researchers, counselors, parents, advocates as well as trans youth themselves.

- [Matt Kailey, author of My Child is Transgender: 10 Tips for Parents of Adult Trans Children](#)

This gentle and easy-to-use FAQ gives people an accessible set of guidelines that can be used in everyday life.

- [Working with Transgender Youth \(Lambda Legal & Child Welfare League of America\)](#)

GENDER IDENTITY OR EXPRESSION (continued)

Like all young people in care, transgender youth are entitled to bias-free attention to their unique needs and to be safe in their placements and services. This guide, created by Lambda Legal and the Child Welfare League of America, provides child welfare professionals who work with transgender young people with education about transgender issues and tools to help prepare them to work sensitively with these clients.

- [Trans Youth Family Allies \(TYFA\)](#)

TYFA works to empower children and families by partnering with educators, service providers and communities, to develop supportive environments in which gender may be expressed and respected. They envision a society free of suicide and violence in which all children are respected and celebrated.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5145.11

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Policy

QUESTIONING AND APPREHENSION

The Salem City Board of Education recognizes that the law compelling school attendance vests in the Board a custodial responsibility for the pupils in its charge and a duty to protect those children from persons not associated with the school district.

The board further recognizes that its interest in helping pupils understand and respect the law is best served by a close and cooperative relationship with local law enforcement agencies and directs the superintendent to institute a program of such communication and cooperation.

In order to protect the rights of students during the time they are under school control, the principal shall interview every person who wishes to question a student on school property during the school day. The superintendent shall be informed of such incidents.

Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No student shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The superintendent shall be informed whenever such apprehensions take place;
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning;
- C. If the law enforcement officer is an agent of the New Jersey Division of Child Protection and Permanency (DCP&P), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Private Persons

If a private person wishes to question a student on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the principal will permit the private person to question the student. In cases involving possible harm to another student which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

Weapons and Substance Abuse Questioning by Staff

When questioning any student about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.

Generally

QUESTIONING AND APPREHENSION (continued)

The superintendent shall notify the board president when the police have sought to question a student in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/ guardians are informed and student rights protected.

Adopted: December 12, 2007, December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: December 14, 2022

Key Words

Questioning, Apprehension, Student Arrest, Student Arrest, Arrest

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:35-5 Comprehensive Drug Reform Act of 1986
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
N.J.A.C. 6A:16-5.1 et seq. School Safety
See particularly:
N.J.A.C. 6A:16-5.7
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons, and Safety
See particularly:
N.J.A.C. 6A:16-6.1, -6.2, -6.3
N.J.A.C. 6A:32-7 et seq. Student records
New Jersey Constitution, Article I, paragraph 7
U.S. Constitution, Amendments IV, V, and XIV
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
In re Gault, 387 U.S. 1 (1967)
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

Cross References: *1410 Local units
 *5114 Suspension and expulsion
 *5131 Conduct/discipline
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5131.7 Weapons and dangerous instruments
 *5145.12 Search and seizure

*Indicates policy is included in the Critical Policy Reference Manual.

SEARCH AND SEIZURE

The Salem City Board of Education recognizes that the 4th Amendment Right to Privacy applies to students and that they are therefore entitled to be free from unreasonable searches and seizures by school officials. The board furthermore recognizes that the Legislature has specifically charged school officials with the duty of maintaining order, safety and discipline.

The board acknowledges the need for the in-school storage of pupils' possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such storage places, pupils may lock them against incursion by other pupils. In no storage place provided by the Board shall pupils have such an expectation of privacy as to prevent examination by a school official. Pupils shall be notified in writing at the beginning of each school year that inspections of their lockers, desks, and other storage facilities on school district property may be conducted. The school principal or designee is directed to conduct, without further notice, the regular inspection of such facilities provided to pupils for the storage of property.

School lockers, desks and other school storage areas, remain the property of the district even when used by students. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant.

A student's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the student. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

When possible, a search will be conducted by the principal in the presence of the pupil, the pupil's parent(s) or legal guardian(s) or a representative of the parent(s) or legal guardian(s), and a teaching staff member in addition to the principal.

School personnel shall not conduct strip searches or body cavity searches of any students under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O. and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied (see policies 5131.6 Substance Abuse and 5131.7 Weapons and Other Dangerous Instruments).

SEARCH AND SEIZURE (continued)

Readopted: December 14, 2022

Key Words

Search and Seizure, Locker Searches, Substance Abuse, Seizure

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-19.2 Student lockers or other storage facility; inspection; notice to students
N.J.S.A. 18A:37-6.1 Strip and body cavity searches prohibited
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons and Safety

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, Superior Court of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. 822 (2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

State v. Best 403 N.J. Super 428 (App. Div. 2008) cert. granted 996 A.2d 1078 (2009)
 The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted in T.L.O.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

Cross References: *1410 Local units
 *5114 Suspension and expulsion
 *5131 Conduct/discipline
 *5131.1 Harassment, intimidation and bullying
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5131.7 Weapons and dangerous instruments
 *5145.11 Questioning and apprehension

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 5200

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

Policy

NONPUBLIC SCHOOL STUDENTS

New Jersey statute and regulations of the State Board of Education require the Salem City Board of Education to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Out-of-state students enrolled in nonpublic schools within the district are not included.

Nursing Services

The board of education shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for students enrolled full-time in nonpublic schools located within the district. Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized students;
- D. Conducting of scoliosis examinations for students between the ages of 10 and 18.

The district shall extend to students enrolled full-time in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school students up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

Federal Requirements

All requirements of federal law shall be obeyed; particularly those addressed in provision of Title 1 program services, and IDEA (see policies 6171.3 At-risk and Title 1 and 6171.4 Special Education).

Implementation

The superintendent shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services to the students attending the district's public schools shall be utilized.

Adopted:	December 12, 2007, December 12, 2018
NJSBA Review/Update:	April 2022
Readopted:	December 14, 2022

Key Words

Nonpublic School Students, Health

NONPUBLIC SCHOOL PUPILS (continued)

- Legal References:** N.J.S.A. 18A:39-1 et seq. Transportation of students
N.J.S.A. 18A:40-3.2 et seq. Medical and Nursing Personnel
N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Students
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
 See particularly:
N.J.S.A. 18A:40A-5, -17(c)
N.J.S.A. 18A:46-19.1 et seq. Remedial services for handicapped children in nonpublic schools ...
N.J.S.A. 18A:46A-1 et seq. Auxiliary services (nonpublic school students)
N.J.S.A. 18A:58-37.3 Purchase and loan of textbooks
N.J.A.C. 6A:14-1.1 et seq. Special Education
 See particularly:
N.J.A.C. 6A:14-6.1 et seq.
N.J.A.C. 6A:16-2.5 Nursing services to nonpublic school students
N.J.A.C. 6A:23A-20.1 Eligibility
N.J.A.C. 6A:23A-20.2 Responsibility of the district board of education
N.J.A.C. 6A:27-2.1 et seq. Nonpublic School Transportation
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
- 20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) -Part B
- Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.
- Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)
- Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)
- Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000) 530 U.S. 793 (2000)
- Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)

Possible

- Cross References:** *1330 Use of school facilities
 *1600 Relations between other entities and the district
 *3541.1 Transportation routes and services
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5141.1 Accidents
 *5141.2 Illness
 *5141.3 Health examinations and immunizations
 *6145.1/6145.2 Intramural competition; interscholastic competition
 *6171.3 At-risk and Title 1
 *6171.4 Special education
 6174 Summer school

*Indicates policy is included in the Critical Policy Reference Manual.

GOALS AND OBJECTIVES

The mission of the Salem City Schools is to provide a caring, nurturing, safe environment that challenges all students to develop their full potential – intellectually, socially, emotionally and physically – in cooperation with parents/guardians, staff, board of education and community. Our responsibility is to provide the highest standard of motivation and opportunities that lead to positive learning and social skills, helping each student gain the knowledge and experience necessary to become a successful lifelong learner who will be a productive individual in our changing world.

The Salem City Board of Education accepts the responsibility for coordinating the available resources of home, school and community in a mutual effort to guide every student's growth towards becoming a self-respecting individual who can effectively function politically, economically and socially in a democratic society. In addition, the board believes that by providing diverse and relevant educational choices supported by research-based practices in the use of technology, students will be prepared for successful participation in higher education programs and/or the careers of the 21st century.

The board is dedicated to ensuring that all students in the district are provided with the necessary skills and competencies for achievement of the New Jersey Student Learning Standards.

A. All children should start school ready to learn:

1. Quality preschool opportunities shall be provided for all children, through collaboration between public schools and community agencies;
2. Parent education programs shall be designed and implemented by the district to assist parents in providing readiness experiences for their preschool children.

B. The district shall strive to achieve the maximum score during state monitoring (NJQSAC) for high school graduation to be at least 95 percent:

1. The superintendent shall oversee the development of strategies for improving the graduation rate when necessary and appropriate;
2. The district shall educate students with disabilities in the regular education programs to the maximum extent possible;
3. The district shall provide least restrictive, alternative programs for students who cannot succeed in the regular high school environment, including those students with disabilities;
4. The district shall provide dropout prevention programs for students at risk.

C. Students shall leave grades three through eight and 11 having demonstrated competency in challenging subject matter including English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st Century Life and Career Standards:

1. The district shall implement the state-approved New Jersey Student Learning Standards and appropriate assessments to support student achievement and to evaluate school, district and individual student performance;
2. The district shall provide staff development opportunities to ensure that teachers are adequately equipped to teach challenging and up-to-date subject matter and to implement effective teaching techniques. It shall monitor teaching staff members progress toward achievement of the required 20 hours of continuing education annually to ensure that they are obtaining and maintaining the skills to help all students achieve the New Jersey Student Learning Standards.

GOALS AND OBJECTIVES (continued)

- D. Students shall learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy:
 - 1. Students shall be given the opportunity to improve self-direction and self-sufficiency in the areas of critical thinking, problem solving, reasoning, analysis, interpretation, and synthesizing information;
 - 2. Students shall become responsible digital citizens of the global internet community with ethical, safe and responsible habits, actions, and consumption patterns;
 - 3. All students shall demonstrate competency in the skills identified in the 21st Century Life and Careers Standards;
 - 4. All students shall demonstrate respect for racial, cultural, ethnic and religious diversity.

- E. All students shall increase their achievement levels in science and mathematics to contribute to our country's ability to compete academically with all other countries of the world:
 - 1. The district shall revise its curriculum offerings in science and mathematics according to state standards;
 - 2. The district shall provide staff training in the teaching of mathematics and science at grades K-8 to increase teachers' understanding of and ability to teach these subjects.

- F. The board of education shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students to all school facilities, courses, programs activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender identity or expression, religion, disability, nationality or socioeconomic status. The district shall:
 - 1. Provide schools and facilities that are barrier free;
 - 2. Provide effective programs that support a safe and respectful school climate and culture and provide effective prevention of and intervention for incidents of harassment, intimidation and bullying;
 - 3. Ensure that the requirements for the completion of courses are nondiscriminatory;
 - 4. Ensure that courses are not offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, pregnancy, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
 - 5. Ensure that minority, female, and male students are not underrepresented in all classes and programs, including gifted and talented, accelerated, and advanced classes.

- G. Every adult shall be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship:
 - 1. Adult education programs shall be increased in conjunction with other local districts, community colleges and other educational agencies, to provide greater opportunities for adults to continue learning for work skills, leisure pursuits, intellectual and cultural growth and to assist their children in learning;
 - 2. Business and industry shall be encouraged to collaborate with educational agencies to design and increase access to educational programs for adults, such as flex time, distance learning and interactive technology.

- H. District schools shall be free of drugs and violence and offer a safe, disciplined environment conducive to learning:
 - 1. The district shall develop partnerships with parents to establish the responsibilities of each to create and maintain safe and healthy educational environments for all students;
 - 2. The district shall provide programs and staffing to deal with students at risk;
 - 3. The school and community shall expand their cooperative efforts to create drug and violence-free

GOALS AND OBJECTIVES (continued)

environments;

4. All students shall develop a positive view of self and learn to use effective interpersonal skills.

The board shall develop, in consultation with the superintendent and teaching staff members, a written educational plan for the district. This plan shall be reviewed and adopted annually and shall include:

- A. Written educational goals;
- B. An assessment of student needs;
- C. Specific annual objectives based on identified needs and action plans to implement them;
- D. Standards for assessing and evaluating the achievement of objectives;
- E. The establishment of reasonable student minimum proficiency levels in the areas addressed in the New Jersey Student Learning Standards;
- F. An educational program consistent with these goals, objectives, standards and needs;
- G. Evaluation of student progress.

Adopted: October 14, 1976, November 15, 1995, January 9, 2008, January 2, 2019
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

Instructional Goals and Objectives, Goals and Objectives in Instruction

Legal References: N.J.S.A. 18A:7A-10 NJQSAC for evaluating school performance
N.J.S.A. 18A:7C-2 Boards of education; establishment of standards
N.J.S.A. 18A:7F-43 Comprehensive Education Improvement and Financing Act
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study
N.J.S.A. 18A:35-1 et seq. Curriculum and Courses
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment
See particularly:
N.J.A.C. 6A:8-1.2
 through -1.3, -2.1, -3.1, -4.4
N.J.A.C. 6A:9C-2.1 et seq. Professional development for teaching staff member and school leader
N.J.A.C. 6A:23A-1.1 et seq. Fiscal accountability, efficiency and budgeting procedures
See particularly:
N.J.A.C. 6A:23A-22.1 et seq.
N.J.A.C. 6A:26-1.1 et seq. Educational Facilities
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *1100 Communicating with the public
 *1120 Board of education meetings

GOALS AND OBJECTIVES (continued)

*1230	School-connected organizations
*1600	Relations between other entities and the district
*2131	Superintendent
*2240	Research, evaluation and planning
*3542	Food service
4010	Goals and objectives
*4111	Recruitment, selection and hiring
*4116	Evaluation
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4211	Recruitment, selection and hiring
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5113	Absences and excuses
*5120	Assessment of individual needs
*5124	Reporting to parents/guardians
6000	Concepts and roles in instruction
6011	Thorough and efficient/QEA
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142	Subject fields
*6145	Extracurricular activities
*6147	Standards of proficiency
6152	Grouping
*6156	Instructional planning/scheduling
*6160	Instructional services and resources
*6162.4	Community resources
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.4	Special education
*6300	Evaluation of the instructional program

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SCHOOL CALENDAR

The Salem City Board of Education recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the district.

The board shall determine annually the days when the schools shall be in session for instructional purposes. Such school calendar shall consist of no fewer than the 180 days of instruction required by law.

When an interruption in educational programming causes a disabled student's performance to revert to a lower level of functioning that cannot be recouped within a reasonable length of time, an extended school year shall be provided in accordance with the student's IEP. In any case, the school year shall be at least as long for students with disabilities as for nondisabled students.

The superintendent shall prepare the school calendar for board consideration in consultation with teacher and administrator association representatives and the Executive County Superintendent. The calendar shall be presented to the board for review no later than the May public meeting.

The board reserves the right to alter the school calendar when feasible and advisable in the best interests of the children of the district.

The board shall adopt annually a list of religious holidays that shall consist as a minimum of those holidays designated by the commissioner of education. Student absences shall be excused for observance of board approved religious holidays (see policy 5113 Attendance, Absences and Excuses).

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

School Calendar

Legal References: N.J.S.A. 18A:7F-9 Aid to school districts conditioned on compliance with rules and standards for equalization of opportunity; aid withheld for noncompliance
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:25-3 Teaching, etc., on holidays not required
N.J.S.A. 18A:36-1 School year
N.J.S.A. 18A:36-2 Time when schools are open; determination
N.J.A.C. 6A:14-4.1(c) General requirements
N.J.A.C. 6A:32-8.3 School attendance

Piscataway Twp. Ed. Ass'n v. Piscataway Township BOE, App. Div. opinion, Dkt. No. A-7215-95T2, January 24, 1998

Possible

Cross References: *2210 Administrative leeway in absence of board policy
*5113 Absences and excuses
*5127 Commencement activities
*6112 School day

SCHOOL CALENDAR (continued)

- *6114 Emergencies and disaster preparedness
- *6146 Graduation requirements
- *6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

SCHOOL DAY

The length of the school day and the length of periods of instruction at various levels shall be recommended by the superintendent and set by the board and shall be in keeping with requirements of the State Board of Education.

The particular opening and closing hours for levels and/or schools shall also be subject to board approval. These opening and closing times shall be as uniform as possible at comparable levels throughout the district. The length of the school day shall be at least as long for students with disabilities as for nondisabled students.

The superintendent shall recommend for board approval the length of class periods and the frequency of instruction in individual subjects.

School administrators shall not dismiss school for any part of the school day without the approval of the superintendent.

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

School Day, Length of School Day

Legal References: N.J.S.A. 18A:36-1 School year
N.J.S.A. 18A:36-2 Time when schools are open; determination
N.J.S.A. 18A:36-16 Rules regarding religious holidays
N.J.A.C. 6A:14-4.1(c) General requirements
N.J.A.C. 6A:32-8.3 School attendance

Possible

Cross References: *2210 Administrative leeway in absence of board policy
*5113 Absences and excuses
*5124 Reporting to parents/guardians
*6111 School calendar
*6114 Emergencies and disaster preparedness
*6141.2 Recognition of religious beliefs and customs
*6146 Graduation requirements
*6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

EMERGENCIES AND DISASTER PREPAREDNESS

The superintendent shall direct the development of plans, procedures and mechanisms for responding to emergencies and crises in the schools that threaten human life and property. The superintendent shall consult with law enforcement agencies, health and social services agencies and emergency management planners in developing these plans and shall ensure that they provide for the protection of the health, safety and welfare of the school population as well as supportive services for staff, students and their families.

The superintendent shall notify the board president or vice-president, school business administrator and the proper local authorities of any emergency.

Plans and procedures shall include these elements:

- A. Cooperation with local government agencies in developing and carrying out a school/community disaster plan that includes procedures for building lockdowns when necessary;
- B. Mechanisms for the orderly evacuation of buildings in case of fire or other emergencies;
- C. Means to provide as much protection as possible for children at school and on their way to and from school;
- D. Training in individual self-protection and survival techniques for students and staff;
- E. Communicating specific instructions to students and staff so that the school emergency plan may be carried out with the greatest possible speed and safety.

The superintendent shall develop and provide an inservice training program for school staff to enable them to recognize and appropriately respond to crises, consistent with the district's plans, procedures and mechanisms for managing crises. The inservice program shall be reviewed and updated annually.

School Safety and Security Plan

The board directs the superintendent and his or her designees to develop and implement comprehensive plans, procedures, and mechanisms that provide for safety and security in the schools, on school grounds and school buses. Written plans and procedures and mechanisms shall, at a minimum, provide for:

- A. The protection of the health, safety, security and welfare of the school population;
- B. The prevention of, intervention in, response to and recovery from emergency and crisis situations;
- C. The establishment and maintenance of a climate of civility; and
- D. Support services for staff, students and their families.

The superintendent shall consult with law enforcement agencies, health and social services provider agencies, emergency management planners, and school and other community resources, as appropriate, in the development of the district's plans, procedures, and mechanisms for school safety and security.

The plans, procedures, and mechanisms shall be consistent with the format and content established by the Domestic Security Preparedness Task Force and the Commissioner. The plans, procedures, and

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

mechanisms shall be reviewed annually and updated as appropriate.

The superintendent shall disseminate a copy of the school safety and security plan to its employees. In addition:

- A. New employees shall receive a copy of the school safety and security plan, as appropriate, within 60 days of the effective date of their employment;
- B. All employees shall be notified in writing, as appropriate, regarding updates and changes to the school safety and security plan;
- C. All employees shall attend an in-service training program designed to allow all district board of education employees to recognize and appropriately respond to safety and security concerns, including emergencies and crises, in a manner consistent with the district board of education's plans, procedures and mechanisms for school safety and security.

Fire Drills and School Security Drills

Fire drills shall be held at least once each month for all students. The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes. Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated as to avoid interference with the fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.

Regular courses of instruction in accident prevention and fire prevention shall be given and shall be adapted to the understanding of the several grades and classes in the schools.

There shall also be at least one school security drill per month. This includes any summer months during which the school is open for instructional programs. A school security drill shall be conducted within the first 15 days of the beginning of the school year. A law enforcement officer shall be present at a minimum of one school security drill each school year in order to make recommendations on any improvements or changes to school security drill procedures that the officer may deem advisable.

A "school security drill" means an exercise, other than a fire drill, to practice procedures that respond to an emergency situation including, but not limited to, a bomb threat, non-fire evacuation, lockdown, or active shooter situation and that is similar in duration to a fire drill.

The building principal shall provide emergency responders with a friendly notification at least 48 hours prior to holding a security drill.

Bus evacuation drills shall be conducted in accordance with the regulations of the State Board of Education.

All full-time employees shall receive training on school safety and security that includes instruction on school security drills. New staff members shall receive this training within 60 days of the commencement of that staff member's employment. The annual training provided to employees shall be conducted collaboratively by the district and emergency responders, including law enforcement, fire, and emergency medical services personnel, in order to identify weaknesses in school safety and security policies and procedures and to increase the effectiveness of emergency responders.

Required Drills

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

A. The district shall be required to conduct a minimum of two drills per year for each of the following drills:

1. Active shooter;
2. Evacuation (non-fire);
3. Bomb threats;
4. Lockdowns.

Students are not required to participate in two of the eight mandated drills.

Reporting

By June 30th of each year the superintendent shall submit to the executive county superintendent an annual "Statement of Assurance" report on the forms provided by the Department of Education.

Emergency Closings; Delayed Openings

The superintendent is authorized by the board to close the schools, open them late or dismiss them early in hazardous weather or in other extraordinary circumstances which might endanger the health or safety of students or school employees.

Each year, parents/guardians, students, and staff members shall be informed in advance of how they shall be notified in event of emergency closings. Parents/guardians shall be required to make alternative arrangements for their children in case no one is home to receive a child after an unscheduled early closing.

Adopted: January 9, 2018, September 8, 2010, January 2, 2019
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

Emergencies and Disaster Preparedness, Civil Defense, Disasters, Fire Drills, Security Drills, Bomb Threats, Safety and Security Plan

Legal References: N.J.S.A. 18A:6-2 Instruction in accident and fire prevention
 N.J.S.A. 18A:11-1 General mandatory powers and duties
 N.J.S.A. 18A:40-12 Closing schools during epidemic
 N.J.S.A. 18A:41-1 et seq. Fire drills and fire protection
 N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
 N.J.S.A. App. A:9-64 et seq. New Jersey Domestic Security Preparedness Act
 N.J.A.C. 6A:16-5.1 et seq. School Safety and Security
 N.J.A.C. 6A:16-6.3 Reporting students or staff members to law enforcement agencies
 N.J.A.C. 6A:26-12.2 Policies and procedures for school facility operation
 N.J.A.C. 8:57-1.9 Reporting of diseases by health officers

A Uniform State Memorandum of Agreement between Education and Law Enforcement Officials

International Fire Code, New Jersey Edition, 2006; Section 408 Use and Occupancy-Related Requirements (see particularly: Section 408.3.1).

School Safety and Security Plans, Minimum Requirements

EMERGENCIES AND DISASTER PREPAREDNESS (continued)**Possible**

<u>Cross References:</u>	*1410	Local units
	*2210	Administrative leeway in absence of board policy
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	5141.6	Crisis intervention
	*6111	School calendar
	*6112	School day

*Indicates policy is included in the Critical Policy Reference Manual.

CEREMONIES AND OBSERVANCES

The flag of the United States of America shall be raised above the school and at other appropriate places during all school sessions and on all legal school holidays, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day. The flag will be displayed in each classroom.

The morning opening exercises will include the pledge of allegiance. Those students who have religious or conscientious objections may be excused from participating but must not disrupt the exercises.

Appropriate recognition shall be given in all schools on the last school day preceding (or the following Monday in the case of Constitution Day and Citizenship Day if September 17th falls on a Sunday):

- A. Martin Luther King Jr.'s Birthday;
- B. Lincoln's Birthday;
- C. Washington's Birthday;
- D. Memorial Day;
- E. Constitution Day and Citizenship Day (Sept. 17);
- F. Columbus Day;
- G. Veterans' Day;
- H. Thanksgiving Day.

Suitable exercises are also required by law in all New Jersey public schools in observance of Flag Day (June 14, day of adoption the American flag by the Continental Congress in 1777), Arbor Day (last Friday in April), and Commodore John Barry Day (September 13th). The board authorizes the superintendent to conduct school observances in commemoration of other persons and events of special historical significance.

Students shall be encouraged to develop and/or take part in events and activities in connection with special "days", "weeks" or "months" proclaimed by the nation, state or community.

Holidays and special events may be recognized in the district's schools so long as such recognition respects the rights and feelings of others and is consistent with law.

Songs and customs which have come to us from the various elements of our national population may be used to broaden our students' awareness of the many elements that make up our American culture.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

CEREMONIES AND OBSERVANCES (continued)Key Words

Ceremonies and Observances, Holidays, Patriotic Exercises

Legal References: N.J.S.A. 18A:36-3 Display of and salute to flag; pledge of allegiance
N.J.S.A. 18A:36-4 Period of silence (unconstitutional)
N.J.S.A. 18A:36-6 Observance of Flag Day
N.J.S.A. 18A:36-7
through -9 Designation of Arbor Day ...
N.J.S.A. 18A:36-10
through -12 Designation of Commodore Barry Day ...
N.J.S.A. 18A:36-13 Patriotic exercises preceding holidays

U.S.C.A. Const. Amends. 1, 14

Every Student Succeeds Act of 2015, P. L. 114-95, 20 U.S.C.A. 6301 et seq.

P.L. 108-447 (December 2004) requires all educational institutions that receive Federal funds for fiscal year to hold an educational program on The United States Constitution on September 17, designated "Constitution Day and Citizenship Day."

West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943)

Holden v. Elizabeth Board of Education, 46 N.J. 281 (1966)

Lipp v. Morris, 579 F. 2d 834 (1978) (3rd Cir.)

May v. Cooperman, C.A., 780 F. 2d 240 (1985)

Karcher v. May, 484 U.S. 72 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3rd cir. 1996)

Santa Fe Indep. School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

Possible

Cross References: *5114 Suspension and expulsion
*5127 Commencement activities
*5131 Conduct/discipline
*6141.2 Recognition of religious beliefs and customs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

No student enrolled in the district schools shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any educational program or activity of this district on the basis of race, color, creed, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, gender identity or expression, genetic information, sex, disability or atypical hereditary cellular or blood trait of any individual, or because of liability for service in the armed forces of the United States, nationality, place of residence in the district, social or economic condition, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test, or pregnancy. The affirmative action team as led by the affirmative action officer shall be responsible for planning, implementing and monitoring the district's affirmative action program with respect to school and classroom practices.

The affirmative action team shall report to the superintendent and shall monitor the following areas for compliance with State Department of Education regulations and make suggestions and/or recommendations when necessary.

A. Access

The district provides equal and bias-free access to all school facilities, courses, programs, activities, and services by:

1. Ensuring equal and barrier-free access to all school and classroom facilities;
2. Implementing a reasonable plan for achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures. The goal of the plan shall be to attain within each school, minority representation that approximates the school district's overall minority representation. Exact apportionment is not required;
3. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
5. Ensuring support services, including intervention and referral services and school health services are available to all students;
6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty (see board policy 6173 Home instruction); and
7. Ensuring that pregnant students are not excluded from access to the educational programs, activities and services.

B. Curriculum

The district's curriculum and instruction shall be aligned to the New Jersey Student Learning Standards. The curriculum and instruction shall address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs, and by providing opportunities for students to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. The district shall:

1. Ensure there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- sexual orientation, gender, religion, disability, or socioeconomic status;
2. Ensure courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. Portions of classes that deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided the course content for such separately conducted sessions is the same;
 3. Reduce or prevent the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
 4. Ensure schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
 5. Ensure African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
 6. Ensure instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate.

C. Counseling Services

Students shall have access to adequate and appropriate counseling services:

1. When informing students about possible careers or professional or vocational opportunities options presented shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
2. Tests or guidance or counseling materials that are biased or stereotyped shall not be used.

D. Physical Education, Athletic Programs, Extracurricular Activities

The district's physical education and athletic programs shall be equitable and co-educational and shall not discriminate on the basis of protected class status including:

1. Separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be provided and shall be comparable;
2. Separate teams for the two sexes may be operated in one or more sports or single teams open competitively to members of both sexes, as long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency; and
3. The activities comprising the school athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.

E. Staff training

The affirmative action officer shall suggest a program of inservice training for school personnel designed to identify and solve problems of bias in all aspects of the school program. An equity inservice program shall be held on a continuing basis for all staff and for parents and community members as needed to facilitate participation and support.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

Adopted: November 8, 1984, February 26, 1996, June 12, 2002, January 9, 2008,
June 11, 2014, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Affirmative Action, Nondiscrimination, Curriculum, Instructional Materials, Textbooks

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:4A-1 et seq. New Jersey Commission on Holocaust Education
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:35-1 Course in history of the United States in high school
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:37-14.19 Harassment, Intimidation, Bullying
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.1,-1.4,-1.7,-1.9
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act, of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act (IDEA)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Gebser v. Lago Vista Indep. School Dist. 524 U.S. 274 (1998)

Davis v. Monroe County Bd. of Ed. 526 U.S. 629 (1999)

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References: *2224 Nondiscrimination/affirmative action
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *4131/4131.1 Staff development; inservice education/visitations/conferences
 *4231/4231.1 Staff development; inservice education/visitations/conferences
 *5131.1 Harassment, intimidation and bullying
 *5134 Married/pregnant students
 *5145.4 Equal educational opportunity
 *6140 Curriculum adoption
 *6141 Curriculum design/development

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

*6142.4	Physical education and health
*6145	Extracurricular activities
*6161.1	Guidelines for evaluation and selection of instructional materials
*6163.1	Media center/library
*6164.2	Guidance services
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

ARTICULATION

In order to optimize student achievement of the New Jersey Student Learning Standards, the Salem City Board of Education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare all students for employment or postsecondary study upon their graduation.

The superintendent shall develop programs whereby teachers of the various levels of the district's schools cooperate to achieve smooth transitions from level to level; whereby students in the district's schools receive instruction in the same subjects at the same levels as students in other districts who will be attending the same high schools; and whereby the transition for district students from our elementary schools to the high school is accomplished without unnecessary difficulty for any student.

Further, the superintendent will make every effort to develop a similar relationship with private preschool providers from which district kindergarten students may come.

The board shall make reasonable efforts to develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified high school students.

Adopted: January 9, 2008, January 2, 2019

NJSBA Review/Update: April 2022

Readopted: January 4, 2023

Key Words

Articulation

Legal References: N.J.S.A. 18A:38-8.1
through -8.3

Additional member on board of education to represent board of education in each sending district

N.J.A.C. 6A:8-1.3

Definitions

N.J.A.C. 6A:8-3.1

Curriculum and instruction

N.J.A.C. 6A:8-3.3

Enrollment in college courses

N.J.A.C. 6A:13-3.2

Secondary education initiatives

Possible

Cross References: *1600 Relations between other entities and the district
*2131 Superintendent
*5118 Nonresidents
*6140 Curriculum adoption
*6141 Curriculum design/development
*6142 Subject fields
*6143 Curriculum guides
*6178 Early childhood education/preschool

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CURRICULUM ADOPTION

The Salem City Board of Education shall provide a comprehensive instructional program to serve the needs of the children of this district. In furtherance of this goal and pursuant to law, the board shall annually adopt the existing courses of study. Adoption includes both content and credit allocation. The board's policy in this respect is to:

- A. Adopt those courses of study mandated by the state in a form acceptable to the State Department of Education. Such courses must include the New Jersey Student Learning Standards adopted by the State Board of Education;
- B. Adopt additional courses of study recommended by the teaching staff and administration in a form acceptable to the State Department of Education and within the financial means of the district;
- C. Adapt and revise existing courses of study to meet the changing needs of students and the community.

Existing courses shall be reviewed at regular intervals and revised as necessary. No course of study shall be eliminated, revised or implemented without the approval of the board.

The board directs that the curriculum of this district:

- A. Be consistent with written goals, objectives and identified student needs;
- B. Develop individual talents and interests and serve diverse learning styles to motivate student achievement;
- C. Provide for continuous learning through effective articulation;
- D. Provide all students continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program;
- E. Provide all students guidance and counseling to assist in career and academic planning;
- F. Provide a continuum of educational programs and services for students with disabilities, pursuant to law and regulation;
- G. Provide bilingual programs for students whose dominant language is not English, pursuant to law and regulation;
- H. Provide all students equal educational opportunity, pursuant to law and regulation;
- I. Provide instruction in African-American History, including the Amistad, and the history of other cultures taught as part of the history of the United States (N.J.S.A. 18A:35-1);
- J. Provide instruction on the Holocaust and other genocide curricula at all grade levels (N.J.S.A. 18A:35-
- K. Provide instruction on the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school and high school students;

CURRICULUM ADOPTION (continued)

- L. Incorporate instruction on diversity and inclusion in an appropriate place in the curriculum of students in grades kindergarten through 12. This instruction shall:
1. Highlight and promote diversity, including economic diversity, equity, inclusion, tolerance, and belonging in connection with gender and sexual orientation, race and ethnicity, disabilities, and religious tolerance;
 2. Examine the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole; and
 3. Encourage safe, welcoming, and inclusive environments for all students regardless of race or ethnicity, sexual and gender identities, mental and physical disabilities, and religious beliefs.
- M. Provide career awareness and vocational education, pursuant to law and regulation;
- N. Provide educational opportunities for exceptionally gifted and talented students.

The superintendent, in collaboration with the curriculum coordinator, shall maintain a current list of all courses of study offered by this district; shall furnish each member of the board of education with a copy upon request; and shall provide a copy in the district office for public perusal.

Adoption of courses shall be by a recorded roll call majority vote of the full membership of the board. This includes the courses in the special education and ESL/bilingual programs, and those for the adult high school.

Adopted: June 12, 2002, January 9, 2008, January 2, 2019
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

Curriculum Adoption, Adoption of Curriculum, Core Proficiencies, Curriculum

Legal References:	<u>N.J.S.A.</u> 18A:4-25	Prescribing minimum courses of study for public schools; approval of courses of study
	<u>N.J.S.A.</u> 18A:29A-1 <u>et seq.</u>	Teacher recognition
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and courses
	<u>N.J.S.A.</u> 18A:35-4.35	History of disabled and LGBT persons included in middle and high school curriculum
	<u>N.J.S.A.</u> 18A:35-4.36	Policies, procedures pertaining to inclusive instructional materials
	<u>N.J.S.A.</u> 18A:35-4.36a	Curriculum to include instruction on diversity and inclusion
	<u>N.J.S.A.</u> 52:16A-88	Responsibilities and duties of the Amistad Commission
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:8-3.1, -5.1	
	<u>N.J.A.C.</u> 6A:14-4.1	General requirements
	<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual education
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:15-1.3, -1.4, -1.5	
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

CURRICULUM ADOPTION (continued)

Possible

<u>Cross References:</u>	*6141	Curriculum design/development
	6141.1	Experimental/innovative programs
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6143	Curriculum guides
	*9325.4	Voting method

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CURRICULUM DESIGN/DEVELOPMENT

The superintendent shall be responsible to the Salem City Board of Education for the development of curriculum to meet identified student needs. The board shall ensure that curriculum and instruction are content-rich and aligned to the most recent revision of the New Jersey Student Learning Standards (NJSLS). In addition, the board shall ensure that appropriate instructional adaptations are designed and delivered to English language learners, gifted and talented students and for students with disabilities. Instruction shall be designed to engage all students and modified based on student performance. The curriculum shall include:

- A. Interdisciplinary connections throughout;
- B. Integration of 21st century skills;
- C. A pacing guide;
- D. A list of instructional materials, including various levels of text at each grade;
- E. Benchmark assessments; and
- F. Modifications for special education students, for English language learners and for gifted students.

Professional development plans shall support the implementation of the curriculum. Professional development opportunities shall be offered that further the improvement of teachers' understanding of the content and pedagogy related to their teaching assignment. Professional development shall also promote individual and collaborative professional learning with adequate and consistent time for teachers to work together in and across content areas and grade levels to review student work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems.

The superintendent shall establish procedures for curriculum development that ensure the effective participation of teaching staff members; students, as appropriate to their age and grade; parents/guardians; the community; members of the board; and the use of all available resources. Care shall be taken that certified staff shall not be assigned to teach material outside the limits of their certification and endorsements.

The superintendent shall report to the board the objectives, evaluative criteria and costs of each proposed program before seeking board adoption. New programs and courses of study shall not be acted upon by the board until the meeting following their presentation, in order for board members to have an opportunity to review the proposed program.

Criteria for Curriculum Approval

Criteria by which the board will judge the acceptability of new course offerings include:

- A. Does it address an identified student need?
- B. Is it relevant to the board's philosophy and goals and does it offer real possibilities for progress toward these goals?
- C. Does it satisfy the requirements of the board's school and classroom practices prohibiting bias and stereotyping?

CURRICULUM DESIGN/DEVELOPMENT (continued)

- D. If the proposed course replaces an existing program, what defect in the previous program is it designed to overcome?
- E. Does it include measures for determining progress?
- F. Does it address the necessary study skills?
- G. Has it been thoroughly studied and/or tested by district staff or by another district? What were the results?
- H. Has a curriculum guide been completed? If not, when can it be expected?
- I. Have the accompanying textbooks, electronic textbooks and other materials been recommended to the board?
- J. Have the costs and time of implementation been reviewed, including inservice training?

A multi--year plan for updating curriculum shall be developed and implemented. During the multi-year plan, course modification will be encouraged to reflect current trends in learning and information. The superintendent shall report annually to the board on all progress in curriculum development and the implementation of the multi-year curriculum plan at the time of the board's annual adoption of curriculum.

Adopted: June 12, 2002, January 9, 2008, January 2, 2019
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

Curriculum, Curriculum Design/Development

Legal References: N.J.S.A. 18A:34-1 Textbooks; selection; furnished free with supplies; appropriations
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards
N.J.A.C. 6A:13-2.1 Standards based instruction
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County
 The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References: *2131 Superintendent
 *5120 Assessment of individual needs
 *6140 Curriculum adoption
 *6142 Subject fields
 *6143 Curriculum guides
 *6147 Standards of proficiency
 *6171 Special instructional programs

*Indicates policy is included in the Critical Policy Reference Manual.

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

The Salem City Board of Education directs that no religious belief or nonbelief shall be promoted in the regular curriculum or in district-sponsored courses, programs or activities, and none shall be disparaged.

However, the board recognizes that a genuine and broad secular program of education is furthered by advancement of students' knowledge of our society's cultural and religious heritage. Therefore, the several holidays throughout the year that have both a religious and a secular basis may be recognized in the school by use of material having secular or cultural significance.

The instructional program of the school should inform students of the many beliefs and customs stemming from religious, racial, ethnic and cultural heritages. Such instruction should be designed to broaden the students' understanding of and tolerance for the multiple ways of life enjoyed by the peoples of the world.

Songs and customs that have come to us from the various ethnic, religious and racial elements of our population should be used to broaden our students' awareness of the contributions that each segment has made to the composite American culture.

Music, art, literature and drama having religious themes or bases are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.

The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are part of a religious holiday is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature.

Any instruction in the school which may be contrary to a student's religious beliefs and teachings shall be viewed as optional for the student.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

This policy supersedes any other board policy that is inconsistent with it.

Adopted:	June 12, 2002, January 9, 2008, January 2, 2019
NJSBA Review/Update:	April 2022
Readopted:	January 4, 2023

Key Words

Religious Beliefs, Holiday, Religious Symbols

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:36-16	Rules regarding religious holidays
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)

N.J.A.C. 6A:32-8.3(h) School attendance
U.S.C.A. Const. Amends. 1, 14

Every Student Succeeds Act of 2015, Pub. L. 114-95 U.S.C.A. 6301 et seq.

20 U.S.C.A. 4071 - 4074 - Equal Access Act

Florey v. Sioux Falls School District, 619 F. 2d 1311 (8th Cir. 1980)

Lynch v. Donnelly, 465 U.S. 668, (1984)

Edwards v. Aguillard, 482 U.S. 578 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

Cherry Hill Bd. of Ed., 838 F. Supp. 929 (D.N.J. 1993)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3rd Cir. 1996)

Santa Fe Independent School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

C.H. v. Oliva, 26 F. 3d 198 (3rd Cir. 2000) *en banc*, *cert.* denied, June 18, 2001

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*5113	Absences and excuses
	*5127	Commencement activities
	*5131	Conduct/discipline
	*6115	Ceremonies and observances
	*6121	Nondiscrimination/affirmative action
	*6144	Controversial issues
	*6161.2	Complaints regarding instructional materials

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

ADVANCED PLACEMENT (AP) PROGRAM

The Salem City Board of Education endeavors to provide an educational program adjusted to the needs of the individual child within the financial means of the district. In order to meet the needs of individual students seeking to enroll in advanced placement (AP) courses in order to challenge themselves academically and to gain knowledge and skills that may be required in institutions of higher education and to take advanced placement tests in order to receive college academic credit(s).

Advanced Placement Test Fee Program

The Advanced Placement Test Fee (APTF) program is a federal grant program that enables states to pay part or all of the costs of advanced placement test fees for students who are enrolled in an advanced placement class and qualify as low-income students who are enrolled in an advanced placement course and plan to take an advanced placement test. The program is designed to increase the number of low-income students who take advanced placement tests and receive scores for which college academic credit is awarded.

Definition

For the purposes of this policy, "low-income" shall be defined as an individual who is determined to be a child age 5 through 19, from a low-income family, based on eligibility for free or reduced-price lunches under the National School Lunch Act.

Awards may be used only to support advanced placement test fees for low-income students. Fees for the College Board Advanced Placement (AP), International Baccalaureate (IB) or Cambridge International (CI) tests taken by low-income students are covered.

Additional Information

Funds from the APTF program subsidize test fees for low-income students to encourage them to take advanced placement tests (AP, IB, or CI) and obtain college credit for high school courses, reducing the time and cost required to complete a postsecondary degree.

However, parents/guardians of low-income students may be required to pay some portion of the AP exam fee.

Title I, Part A Funds

Title I, Part A funds may be used to pay the cost of taking an AP exam for low-income students up to age 17 who are participating in a Title I, Part A program, provided that paying for these costs is otherwise the responsibility of the students' parents/guardians. If the low-income students would not be able to access the exam without the Title I, Part A funds, these funds can be used to pay the cost of taking the exam. If the district covers the cost of the exams for all students, or if the district has a fund to pay the cost for low-income students in general, Title I, Part A funds may not be used.

The New Jersey Department of Education may use its APTF grant to pay a portion of the exam fee for low-income students, contingent upon receipt of a supplemental federal grant award.

As a district participating in the APTF program, the board hereby implements this policy to identify the payment process to pay its share of the examination fee for each AP exam taken by low-income students.

Procedures

When it is determined that parents/guardians are to be responsible for paying a portion of the AP exam fee, the guidance department shall be responsible for accepting all such AP exam fees from low-income students and/or their parents/guardians.

Should a particular student not take the examination after qualifying to do so, and paying the required fee, the guidance department shall be responsible for both securing and returning such funds to the student and/or his/her parents/guardians.

Parents/guardians shall be notified of the AP Test Fee Program, through printed materials sent home with the affected students, as well as other communications methods, as determined by the administration, informing them of the required per exam fee for each exam taken.

Adopted: May 6, 2015, January 2, 2019
 NJSBA Review/Update: April 2022
 Readopt: January 4, 2023

Key Words

AP, Advanced Placement, AP Test

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation, policies and procedures
	<u>N.J.S.A.</u> 18A:36-34	Written approval required prior to acquisition of certain survey information from students
	<u>N.J.S.A.</u> 18A:59-1 through -3	Apportionment and distribution of federal funds; exceptions
	<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practice
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessments
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:8-1.3, -4.1, -5.1	
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-2.1	Definitions
	<u>N.J.A.C.</u> 6A:32-7.1	Student Records
	34 <u>CFR</u> 98 - Protection of Pupil Rights	
	<u>Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.</u>	
	<u>Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862</u>	

Possible

<u>Cross References:</u>	*5120	Assessment of individual needs
	*6010	Goals and objectives
	*6140	Curriculum adoption
	*6142	Subject fields
	*6146	Graduation requirements
	*6147	Standards of proficiency
	*6154	Homework/makeup work
	6174	Summer session

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6142
Monitored
X Mandated
Other Reasons

Policy

SUBJECT FIELDS

The Salem City Board of Education directs that the district schools offer a comprehensive curriculum to provide for the intellectual, social and emotional growth of all students, pre-kindergarten through grade 12, giving them the basic body of skills, understandings, attitudes and knowledge needed for living in a democracy.

The board believes this program should focus first on those subjects included in the New Jersey Student Learning Standards and the skills emphasized by the 21st Century Life and Careers Standards, in addition to those courses mandated by statute.

The superintendent shall direct development of and present to the board for adoption a written curriculum for each element of the instructional program for the district to include:

- A. All courses mandated by New Jersey statute or administrative code;
- B. Such other courses as shall implement the board's intent as expressed in this policy.

The total curriculum, when adopted, shall be adapted to suit the applicable requirements of the administrative code and shall provide basic, advanced, enriched, or technical instruction or experience to meet the identified needs of the students of the district.

A listing of all courses and programs comprising the instructional program shall be available in the district office.

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Curriculum, Courses, Subject Fields

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
	<u>N.J.S.A.</u> 18A:6-3	Courses in constitution of United States
	<u>N.J.S.A.</u> 18A:7C-5	Board of education to provide policy on graduation to students and parents
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and courses
	<u>N.J.S.A.</u> 18A:35-4.6 through -4.8	<u>Parents Right to Conscience Act of 1979</u>
	<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:9B-3.1 <u>et. seq.</u>	State Board of Examiners and certification
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9B-5, -6, -8, -9, -10, -11, -12, -14	
	<u>N.J.A.C.</u> 6A:14-3.7	Individualized education program
	<u>N.J.A.C.</u> 6A:14-4.1	General requirements

SUBJECT FIELDS (continued)

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

New Jersey State Board of Education Resolution, September 6, 1989, recommends that each district establish a citizens' advisory group for the implementation of core values of the local community into the district's schools.

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

Possible

Cross References:

*2224	Nondiscrimination/affirmative action
*6121	Nondiscrimination/affirmative action
*6122	Articulation
*6140	Curriculum adoption
*6142.1	Family life education
*6142.2	English as a second language; bilingual/bicultural
*6142.4	Physical education and health
*6142.6	Basic skills
*6142.9	Arts
*6142.12	Career education
*6146	Graduation requirements
*6147	Standards of proficiency
*6164.2	Guidance services
*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.4	Special education
*9130	Committees

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6142.1

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

FAMILY LIFE EDUCATION

The Salem City Board of Education shall maintain a family life education curriculum that provides material suited to each grade level, presented in a manner intended to foster respect for the human body and an understanding of how human sexuality affects personal and family relationships in conformance with the New Jersey Student Learning Standards.

The curriculum, developed under the supervision of the superintendent with the active participation of teachers, administrators, students, parents/guardians, physicians, members of the clergy and representative members of the community, shall be available to all parents/guardians. The board shall ensure compliance with all requirements of state and federal law concerning the content of the curriculum and distribution of materials. An outline of the curriculum and list of instructional materials for the grades of their children shall be sent to parents/guardians annually.

The superintendent shall ensure that the curriculum developed is articulated to that of the elementary schools, so that the transition from elementary to secondary approaches to this material will be coordinated and progressive.

Any student whose parent/guardian presents to the school principal a signed statement that any part of the instruction in health, family life education or sex education is in conflict with their conscience, or moral or religious beliefs, shall be excused from that portion of the course where such instruction is being given, and no penalties as to credit or graduation shall result therefrom.

An excused pupil shall be assigned to an alternate program of independent study on a substitute topic within the health education, family life education, or sex education program. The parent's or legal guardian's right of excusal applies to any alternate program as well.

The board urges all parents/guardians to become familiar with these courses and to participate in their development.

The board of education alone, upon recommendation of the superintendent, shall determine the content, sequence and materials of family life education.

Adopted: August 13, 1981, January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Family Life Education

Legal References: N.J.S.A. 18A:35-4.6
through -4.8 Parents Right to Conscience Act of 1979
N.J.S.A. 18A:35-4.19
through -4.22 AIDS Prevention Act of 1999
N.J.A.C. 6A:8-3.1 Curriculum and instruction
N.J.A.C. 6A:8-4.2 Documentation of student achievement

20 U.S.C. 1232h - Student Protection Rights Amendment -

FAMILY LIFE EDUCATION (continued)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *1220 Ad hoc advisory committees
*5131.6 Drugs, alcohol, tobacco (substance abuse)
5141.6 Crisis intervention
*6122 Articulation
*6140 Curriculum adoption
*6142 Subject fields
*6142.13 HIV prevention education
*9130 Committees

*Indicates policy is included in the Critical Policy Reference Manual.

INTERNET SAFETY AND TECHNOLOGY

Web Pages

The District's web sites provide information to the entire world about curriculum, instruction, school-authorized activities, and other general information relating to the school as well as the district's mission. All published pages and corresponding links stored on the district's servers must be related to the district's educational goals and objectives or school-sponsored activities.

The district webmaster and the district technology coordinator will provide Internet access for the creation of web pages. Creators of web pages should familiarize themselves with, and adhere to, the policies and responsibilities that follow. Failure to follow these policies or responsibilities may result in the loss of authoring privileges and/or other more stringent disciplinary measures.

A. Quality

All web pages must be free of spelling and grammatical errors. Documents may not contain objectionable material or point (link) directly to objectionable material.

Objectionable material is defined as material that does not meet the standards for instructional resources specified in the school district policies.

Regarding the question of quality or propriety of web page material, appearance, or content, the judgment of the Webmaster, Technology Coordinator, and District Administrators will prevail.

B. Ownership and Retention

All web pages on the District's server(s) are the property of the school district. Official district web pages will reside only on District owned or operated servers. The only organization permitted to post a web page on the District server is the PTA, although other sites may be linked at the discretion of the Administration.

C. Student Safeguards

Students may publish information on the school district web server only when they are under the supervision of the Webmaster, Technology Coordinator or teacher. Students must have parental permission.

Web page documents may not include student names. Documents may not include a student's telephone number, address, names of other family members, or names of friends.

Published e-mail addresses are restricted to those of staff members or to general group e-mail address where arriving e-mail is forwarded to a staff member.

No student pictures (video or still) and audio clips shall be published.

Web page documents may not include any information that indicates the physical location of a student at a given time.

D. School Board Policies

All documents on school district server(s) must conform to the Salem City Board of Education policies and regulations as well as established school guidelines. Persons developing or maintaining web documents are responsible for complying with these policies. Some of the relevant issues and related Board policies include the following:

§ Electronic transmission of materials is a form of copying. As specified in District policy, no unlawful copies of copyrighted materials may be knowingly produced or transmitted via the District's equipment, including its web server(s).

§ Documents created for the web and linked to District web pages will meet the criteria for use as an instructional resource.

§ Any links to District web pages that are not specifically curriculum-related will meet the criteria established in the Internet Use Policy (6142.10). Any other non-curricular materials should be limited to information about other youth activities, agencies, or organizations that are known to be non-sectarian, exclusively devoted to community interests or child welfare, non-profit, and non-discriminatory. Web page links may not include entities whose primary purpose is commercial or political advertising.

§ All communications via District web pages will comply with the Internet Use Policy (6142.10) and the Code of Conduct Policy. Offensive behavior that is expressly prohibited by this policy includes religious, racial, and sexual harassment and/or violence.

§ Any student information communicated via District web pages must comply with the Salem City Board of Education policies on Data Privacy and Public Use of School Records.

§ Any deliberate tampering with or misuse of District networked services or equipment will be considered vandalism and will be handled in accordance with the District Internet Use policy, the District Student Conduct Policy and other related policies.

E. Technical Standards and Consistency

Each web page added to the district web site(s) must contain the following elements in order to provide general consistency for District web pages.

1. At the bottom of the web page, there must be a last update indicator and the name or initials of the person(s) responsible for the page and/or update. It shall be the responsibility of that person's to keep the web page current.
2. At the bottom of the web page, there must be a link that returns the user to the appropriate point(s) on the district website.
3. The district will develop additional consistency standards as the need arises.
4. All web pages must be submitted to the District Webmaster for review prior to placement on the district server(s). In the absence of the District Webmaster, the computer/technology coordinator or superintendent shall give approval.
5. No computers other than the assigned building web servers shall be configured as web/FTP servers.
6. Users must exhibit care when creating web pages with extensive tiled backgrounds or large graphics. Such files require extensive download time.
7. The authorized teacher who is publishing the final web page(s) for self or for a student, will edit the page(s) for conformance with the standards outlined in this policy and test the page(s) for the accuracy of the links.
8. Web pages may not contain links to other web pages not yet completed. If additional pages are anticipated but not yet developed, the text that will provide such a link should be included. However, the actual link to said page(s) might not be made until the final page is in place on the server(s).

9. Any graphics, sounds, or video used on web pages must conform to the format currently used or approved by the administration.
10. Web pages may not contain any student e-mail address links, any survey-response links. Or any other type of direct-response links.
11. Final decisions regarding access to active web pages for editing content of organization will rest with the superintendent, with input from the webmaster and/or technology coordinator.
12. All web pages shall be linked to other school district pages in relation to their current location on the server(s).

F. Additional

1. Material on web pages reflects an individual's thoughts, interests, and activities. Such web pages do not, in any way, represent individual schools or the school district, nor are they endorsed or sanctioned by the individual school or the school district. Concern about the content of any page(s) created by students or staff should be directed to the Superintendent or to the district webmaster.
2. Technical standards may require frequent changes to these regulations. The district technology coordinator and webmaster may make such changes upon the approval of the superintendent.

E-mail

1. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review.
2. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration.
3. Messages received by the system are retained on the system until deleted by the recipient.
4. A canceled account will not retain its E-mail.
5. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages.
6. The system administrators may inspect the contents of E-mail sent by one member to an addressee and 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.
7. The board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Monitoring

The Salem City Board of Education reserves the right to review any material accessed or transmitted by users. Users should have no expectation of privacy. Certain aspects of the use of electronic environment may be recorded in logs either for the purpose of performance monitoring or for assistance in authorized legal investigations of alleged misbehavior under this policy. The actual contents of these logs will only be reviewed by authorized district administrators or by external law enforcement officials.

Privacy

E-mail messages are not considered private messages. Although e-mail messages are not routinely monitored, the district may rightfully monitor or access e-mail messages if the district suspects breaches of security, harassment or other violations of other district policies or the law. The individual authorizing any search of a user's data must have reasonable grounds for suspecting that the search will reveal evidence that the user has violated a specific district policy, state or federal law, or has committed work related misconduct. The search of the user's electronic files must and will be reasonably related in scope to the suspicion that generated the search.

A user's account and password are the keys to the e-mail network and users are advised that they are responsible for the security of their respective account and password. There are major risks when a user's account and password are known to others. Transmissions made using that account password are assumed to have been initiated by the account and password owner, though managers of e-mail systems who investigate complaints shall not automatically assume that the author of an offending message is the owner of the account and password.

Guidelines

Staff and students are expected to act in accord with the following based on common sense, common decency, and civility applied to the networked computing environment:

1. Messages sent as electronic mail should meet the same standards for distribution or display as if they were tangible documents or instruments. One should identify oneself clearly and accurately in all electronic communications. Concealing or misrepresenting one's name or affiliation to dissociate oneself from responsibility for one's actions is never appropriate. Alteration of the source of e-mail, message or posting is unethical and possibly illegal.
2. Be sensitive to the inherent limitation of shared network resources. No computer security system can absolutely prevent a determined person from accessing stored information. While the district has no interest in regulating the content of e-mail it will not guarantee the privacy or confidentiality of electronic documents. Good judgment dictates the creation only of electronic documents that may become available to the public;
3. Respect the rights of others. Do not send abusive, threatening or harassing materials.
4. Promote efficient use of network resources consistent with the instructional, research, public service and administrative goals of the Salem City School District.
5. E-mail and other network resources may not be used for commercial purposes or for personal financial gain. This does not preclude the use of e-mail to assist in the investigation and support of vendors' products, such as the discussion of a product's relative advantages and disadvantages by users of the product, the distribution of information or technical support material by request or vendor responses to questions about products, as long as the responses are not in the nature of a solicitation.
6. Conduct that involves the use of information resources to violate a district policy or regulation or state or federal law, or to violate another's rights, is a serious abuse, subject to elimination of one's privileges and appropriate disciplinary and/or legal action.
7. The district is not responsible for transmissions that are libelous or defamatory, and will do all it can to investigate and address those unwanted transmissions with the message sender.
8. Contact the appropriate system administrator if unsolicited or unwanted Internet transmissions are received, or if problems or issues arise regarding district e-mail.
9. E-mail managers and network system administrators should not monitor or access the contents of electronic files except as noted in this policy.
10. Complaints by any user receiving electronic transmissions through any e-mail server may be submitted to the Superintendent of Schools. The Affirmative Action Officer will be notified of complaints regarding the transmission of discriminatory material.
11. In the case of any employee investigation, if a violation did occur, the Superintendent of Schools shall be informed immediately. The employee's immediate supervisor, in consultation with the Superintendent of Schools, shall impose proper action in a form and process consistent with public employee law and any applicable collective bargaining agreement.

SALEM CITY SCHOOL DISTRICT**PARENT / GUARDIAN AGREEMENT REGARDING THE USE OF DISTRICT-OWNED ELECTRONIC DEVICES**

I, _____,
(Full Name of Parent/Guardian)

as the parent or guardian of _____,
(Full Name of Student)

have read the attached Acceptable Use of the Internet Policy (6142.11) and regulations. I understand that the Salem City School District will supply my child with an electronic device that may be able to record or collect information regarding my child's activity or use of the electronic device and the electronic device may be equipped with a camera, global positioning system, or other feature capable of recording or collecting information on my child's activity or use of the device.

I also understand that the Salem City School District will not use any of the capabilities in a manner that would violate the privacy rights of my child or any individual residing with him/her.

I have read, understand and agree to allow the school district to furnish my child (named above) with an electronic device that may be able to record or collect information regarding my child's activity or use of the electronic device and that the electronic device may be equipped with a camera, global positioning system, or other feature capable of recording or collecting information on my child's activity or use of this device.

Additionally, my child has also read, understands and agrees to the information contained in this agreement and has signed their name below indicating agreement to the terms of this document.

Please sign below and return to your child's school:

Parent/Guardian Signature Date

Student Signature Date

INTERNET SAFETY AND TECHNOLOGY

The Salem City Board of Education shall develop a technology plan that effectively uses electronic communication to advance and promote learning and teaching. This system of technology shall be used to provide local, statewide, national and global communications opportunities for staff and students. Educational technology shall be infused into the district curriculum to maximize student achievement of New Jersey Student Learning Standards.

It is the policy of the district to establish safe and effective methods for student and staff users of the district's technological resources and to:

- A. Prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- B. Prevent unauthorized access and other unlawful online activity;
- C. Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- D. Comply with the Children's Internet Protection Act (CIPA).

The district shall ensure equal and bias-free access for all students to computers, computer classes, career and technical education programs, and technologically advanced instructional assistance, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, religion, disability, English proficiency, immigration status, housing status or socioeconomic status.

COMPLIANCE WITH CIPA

Filters Blocking Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the school district online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes:

INTERNET SAFETY TECHNOLOGY (continued)

- A. Unauthorized access, including so-called “hacking,” and other unlawful activities; and
- B. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the school district staff to educate, supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the Children’s Internet Protection Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the superintendent or his or her designee.

The superintendent or his or her designee shall ensure that students and staff who use the school internet facilities receive appropriate training including the following:

- A. The district established standards for the acceptable use of the internet;
- B. Internet safety rules;
- C. Rules for limited supervised access to and appropriate behavioral expectations for use of online resources, social network websites, and chat rooms;
- D. Cyberbullying (board policy 5131.1 Harassment, Intimidation and Bullying) awareness and response.

Student use of the Internet shall be supervised by qualified staff. In addition, this district may monitor the online activities of minors and adults using district computers and/or district equipment that provide Internet and/or Intranet access.

Policy Development

The district Internet Safety and Technology policy shall be adopted and revised through a procedure that includes reasonable public notice and at least one public hearing.

ACCEPTABLE USE OF THE INTERNET

Purpose

To support its commitment to providing avenues of access to the universe of information available, the district’s system of electronic communication shall include access to the Internet for students and staff.

Limitation of Liability

The Internet constitutes an unregulated collection of resources that changes constantly, so it is not possible to totally predict or control the resources that users may locate. The board cannot guarantee the accuracy of the information or the appropriateness of materials that a user may encounter. Furthermore, the board shall not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. Nor shall the board be responsible for financial obligations arising through the unauthorized use of the system.

District Rights and Responsibilities

The computer system is the property of the district, and all computer software and hardware belong to it. Therefore, the district retains the right to monitor all access to and use of the Internet.

INTERNET SAFETY TECHNOLOGY (continued)

The board designates the superintendent as the coordinator of the district system. He/she shall recommend to the board of education qualified staff persons to ensure provision of individual and class accounts necessary for access to the Internet, designation of quotas for disk usage on the system, establishment of a document retention schedule, establishment of a virus protection process and coordination of other activities as required to maintain the system.

Each principal shall coordinate the district system in his/her building by approving all activities for that building; ensuring that teachers receive proper training in the use of the system; ensuring that students are adequately supervised when using the system; maintaining executed user agreements; and interpreting this acceptable use policy at the building level.

Access to the System

This acceptable use policy shall govern all use of the system. Sanctions for student misuse of the system shall be included in the disciplinary code for students, as set out in regulations for policy 5131

Conduct/Discipline.

Employee misuse may result in appropriate discipline in accord with the collective bargaining agreement and applicable laws and regulations.

The board shall ensure the acquisition and installation of blocking/filtering software to deny access to certain areas of the Internet.

World Wide Web

All students and employees of the board shall have access to the Web through the district's networked or stand-alone computers. An agreement may be required. To deny a child access, parents/ guardians must notify the building principal in writing.

Classroom E-mail Accounts

Students in grades K-8 shall be granted e-mail access through classroom accounts only. To deny a child access to a classroom account, parents/guardians must notify the building principal in writing.

Individual E-mail Accounts for Students

Students in grades K-8 may have individual accounts at the request of teachers and with the consent of parents/guardians. An individual account for any such student shall require an agreement signed by the student and his/her parent/guardian.

Students in grades 9-12 may be granted individual e-mail accounts and dial-up access to the system. An agreement shall be required for an individual e-mail account and must be signed by the student and his/her parent/guardian.

Individual E-mail Accounts for District Employees

District employees shall be provided with email access. Access to the system will be provided for staff members who have signed the acceptable use policy agreement. Email will be monitored and archived for three years. Employee email is discoverable and will be released if subpoenaed within the archival period set forth in this policy.

The school district provides many computing and networking resources for use by students, faculty and staff. Members of the school district community are encouraged to use electronic mail (e-mail) for

INTERNET SAFETY TECHNOLOGY (continued)

district-related activities and to facilitate the efficient exchange of useful information. Access to e-mail is a privilege and certain responsibilities accompany that privilege. Users of e-mail are expected to be ethical and responsible in the use of e-mail. E-mail is one of the most used and useful facilities on computer networks. To ensure maximum benefits from e-mail, a clear, defined balance between the need for open communication and the protection of the district's assets is critical. The purpose of this policy is to encourage use of e-mail as an effective and efficient business tool within the framework of the appropriate statutes

All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review. A sender of an E-mail message should expect System administrators may inspect the contents of E-mail sent by one member to an addressee and disclose such contents to other than the sender or a recipient when required to do so by board policy, regulation or other law and regulation. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Privacy

It is in the nature of most e-mail systems that the physical security of messages cannot be guaranteed. Therefore, the Board discourages the use of e-mail to transmit messages containing sensitive data. E-mail messages are not considered private messages.

District Web Site

The board authorizes the superintendent to establish and maintain a district web site. The purpose of the web site will be to inform the district educational community of district programs, policies and practices. All subject matter on web pages should relate to curriculum, instruction, school-authorized activities, general information that is appropriate and of interest to others, and the school district. If the information is scholarly and will help students, teachers, and parents using our web site, it is acceptable.

Individual schools and classes may also establish web sites that include information on the activities of that school or class. The building principal shall oversee these web sites. The superintendent, with input from the Webmaster and/or Technology Coordinator, is responsible for web page approval. The superintendent shall publish and disseminate guidelines on acceptable material for these web sites. The superintendent shall also ensure that district and school web sites do not disclose personally identifiable information about students without prior written consent from parents/guardians. Consent shall be obtained on the form developed by the state department of education. "Personally identifiable information" refers to student names, photos, addresses, e-mail addresses, phone numbers and locations and times of class trips.

Parental Notification and Responsibility

The superintendent shall ensure that parents/guardians are notified about the district network and the rules governing its use. Parents/guardians shall sign an agreement to allow their child(ren) to have an individual account. Parents/guardians who do not wish their child(ren) to have access to the Internet must notify the principal in writing.

Acceptable UseStudent Safety Practices

Students shall not post personal contact information about themselves or others. Nor shall students engage in any kind of personal contact with individuals they meet online. Attempts at contact from such

INTERNET SAFETY TECHNOLOGY (continued)

individuals shall be reported immediately to the staff person monitoring that child's access to the Internet. Personal contact information includes but is not limited to names, home/school/work addresses, telephone numbers, or personal photographs.

Prohibited Activities

Users shall not attempt to gain unauthorized access (hacking) to the district system or to any other computer system through the district system, nor shall they go beyond their authorized access. This includes attempting to log in through another individual's account or accessing another's files.

Users shall not deliberately attempt to disrupt the district's computer system performance or destroy data by spreading computer viruses, worms, "Trojan Horses," trap door program codes or any similar product that can damage computer systems, firewalls, servers or network systems.

Users shall not use the district system to engage in illegal activities.

Users shall not access material that is profane or obscene, that advocates illegal acts, or that advocates violence or hate. Inadvertent access to such material should be reported immediately to the supervising staff person.

Users shall not plagiarize material that is available on the Internet. Plagiarism is presenting another's ideas/words as one's own.

Users shall not infringe on copyrighted material and shall follow all dictates of copyright law and the applicable policies of this district.

Prohibited Language

Prohibited language applies to public messages, private messages, and material posted on web pages.

Users shall not send or receive messages that contain obscene, profane, lewd, vulgar, rude, inflammatory, or threatening language.

Users shall not use the system to spread messages that can reasonably be interpreted as harassing, discriminatory or defamatory.

System Security

Users are responsible for their accounts and should take all reasonable precautions to prevent unauthorized access to them. In no case should a user provide his/her password to another individual.

Users shall immediately notify the supervising staff person or data processing department if they detect a possible security problem. Users shall not access the system solely for the purpose of searching for security problems.

Users shall not install or download software or other applications without permission of the supervising staff person.

Users shall follow all district virus protection procedures when installing or downloading approved software.

System Limits

INTERNET SAFETY TECHNOLOGY (continued)

Users shall access the system only for educational, professional or career development activities. This applies to discussion group mail lists, instant message services and participation in Internet "chat room" conversations.

Users shall check e-mail frequently and delete messages promptly.

Privacy Rights

Users shall respect the privacy of messages that they receive and refrain from reposting messages without the approval of the sender.

Users shall not publish private information about another individual.

School Furnished Electronic Devices

The district may furnish students electronic devices such as laptop computers, tablets, notebooks, cellular telephones, or other electronic devices. When a student is furnished with an electronic device the district shall provide the student with written or electronic notification that the electronic device may record or collect information on the student's activity or the student's use of the device if the electronic device is equipped with a camera, global positioning system, or other feature capable of recording or collecting information on the student's activity or use of the device. The notification shall also include a statement that the district shall not use any of the capabilities in a manner that would violate the privacy rights of the student or any individual residing with the student. The parent or guardian of the student furnished an electronic device shall acknowledge receipt of the notification. The district shall retain the acknowledgement as long as the student retains the use of the electronic device.

Failure to provide the required notification shall be subject to a fine of \$250 per student, per incident. If imposed, the fine shall be remitted to the Department of Education and shall be deposited in a fund that shall be used to provide laptop or other portable computer equipment to at-risk students.

Implementation

The superintendent may prepare regulations to implement this policy. Additionally, all staff members shall be advised of this policy on an annual basis.

Adopted:	June 12, 2002
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Readopted:	January 4, 2023

Key Words

Acceptable Use, Blocking/Filtering Software, E-mail, Internet, Internet Safety, Technology, Web Site, World Wide Web, CIPA

<u>Legal References:</u>	<u>N.J.S.A. 2A:38A-1 et seq.</u>	Actions for computer related offenses
	<u>N.J.S.A. 2C:20-25</u>	Computer criminal activity; degree of crime; sentencing
	<u>N.J.S.A. 18A:7A-10</u>	NJSAC
	<u>N.J.S.A. 18A:36-35</u>	School Internet websites; disclosure of certain student information prohibited
	<u>N.J.S.A. 18A:36-39</u>	Notification by school to certain persons using certain electronic devices; fine
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

INTERNET SAFETY TECHNOLOGY (continued)

17 U.S.C. 101 - United States Copyright Law

47 CFR 54.503(d) - Competitive Bidding; Gift Restrictions

47 U.S.C. 254(h) - Children's Internet Protection Act

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

O'Connor v. Ortega 480 U.S. 709 (1987)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible**Cross References:**

*1111	District publications
*3514	Equipment
3543	Office services
*3570	District records and reports
4118.2/4218.2	Freedom of speech (staff)
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5131.5	Vandalism/violence
*5142	Student safety
5145.2	Freedom of speech/expression (students)
*6144	Controversial issues
*6145.3	Publications
6161	Equipment, books and materials

*Indicates policy is included in the Critical Policy Reference Manual.

CAREER AND TECHNICAL EDUCATION

The Salem City Board of Education believes that constructive attitudes and concepts involving the dignity of all kinds of work belong in the curriculum from the beginning grades. Therefore, in fulfillment of the New Jersey Student Learning Standards, the board shall develop and implement a comprehensive guidance and counseling system that is designed to provide students opportunities to enhance career awareness, exploration, preparation, and decision-making skills necessary for success in the workplace. The board shall ensure that educational programs shall continuously expose students to the nature of the wide variety of careers available. The 21st Century Life and Careers Student Learning Standard shall be infused into the curriculum throughout the grades in age appropriate activities. When any hands-on experience requires use of power tools, etc., all eye protection and other appropriate safety regulations shall be observed.

Career Education and Counseling

The board shall develop and implement a comprehensive guidance and academic counseling program for all students to facilitate career awareness, exploration, and preparation in accordance with N.J.A.C. 6A:8-3.2. This program shall:

- A. Be linked to the New Jersey Student Learning Standards;
- B. Be infused throughout the K-12 curriculum;
- C. Be supported by professional development programs;
- D. Take into consideration the American School Counselor Association's National Standards for School Counseling Programs;
- E. Provide developmental career guidance and academic counseling linked to the New Jersey Student Learning Standards designed to:
 - 1. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
 - 2. Support students' academic attainment, career development, and personal/social development;
 - 3. Develop the student's understanding of the relationship between academic attainment, career development, and personal/social development;
 - 4. Encourage students to create and maintain portfolios consisting of student accomplishments in academic and career oriented work;
- F. The board shall ensure that students with disabilities (age 14 or younger), if determined appropriate by IEP, have career and academic counseling coordinated with transitional services in accordance with N.J.A.C. 6A:14-3.7;
- G. The board shall develop and implement curriculum and instructional methods that:
 - 1. Are integrated with technological literacy;
 - 2. Provide all students with an understanding of the career application of knowledge and skills learned in the classroom; and
 - 3. Provide all students with the opportunity to apply knowledge and skills learned in the classroom to real or simulated career challenges.
- H. The board will develop and implement for all students a system of career development activities that:

CAREER AND TECHNICAL EDUCATION (continued)

1. Offers the opportunity to explore career interests within, one or more of the Career Clusters (listed below) that are linked to the New Jersey Student Learning Standards;
 2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs and student interest;
 3. Allows the board to select an appropriate delivery format that may include an integrated curriculum based on the New Jersey Student Learning Standards or specialized programs that reflect the needs of students and the community; and
 4. Instills the concept of the need for continuous learning throughout one's life.
- I. The board shall offer all high school students the opportunity to actively explore career interests by participation in structured learning experiences that are linked to the New Jersey Student Learning Standards:
1. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals;
 2. Interested students may voluntarily select structured learning experiences that are co-curricular or extra-curricular activities and taking place within the school district, at a work site, or in the community;
 3. The board shall ensure students participating in school-sponsored, paid, or unpaid external structured learning experiences are supervised by school personnel and conform to federal and state law.

The board directs the superintendent or his or her designee to take reasonable measures to expand student awareness of and encourage participation in fields that are non-traditional for their sex, and to expand both access to and success in high-growth fields for both men and women.

Career and Technical Education Programs

For purposes of this policy, "career and technical education" means organized educational activities that: offer a sequence of courses that provide individuals with the coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions; provide technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; may include prerequisite courses (other than a remedial course) that meet the requirements of this definition; and include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry. To ensure that all students have access to career and technical instruction:

- A. The existence of the same career and technical education program at this district shall not negate a student's right to apply to and, if accepted, attend a county vocational school, subject to the following limitations:
1. The board shall not be responsible for the tuition and transportation costs of any resident student admitted to the vocational school within this county, when the district's vocational school (pursuant to N.J.S.A. 18A:54-5 et seq.), offers the same program as the county vocational school where the student has been admitted. A program shall be deemed the same if it is approved by the Department of Education and is assigned the same Classification of Instructional Programs (CIP) code, and meets or exceeds all applicable program performance standards; and
 2. The board shall not be responsible for the tuition, transportation costs, and nonresident fee (where applicable) of any resident student admitted to a county vocational school outside this county when the district's vocational school (pursuant to N.J.S.A. 18A:54-5 et seq.), or the local county vocational school, offers the same program as the non-resident county vocational school where the student has been admitted. A program shall be deemed the same, for purposes of this section, if it is approved by the Department in accordance with N.J.A.C. 6A:19-3.1 and 3.2, is assigned the same Classification of Instructional Programs (CIP) code, and meets or exceeds all applicable program performance standards.

CAREER AND TECHNICAL EDUCATION (continued)

- B. The superintendent shall allow county vocational schools and their designated representatives' reasonable opportunity, during school hours, to present information about the county vocational schools' programs to students in local districts in grades six through 12. The district may not in any manner inhibit student access to such information.

Career and Technical Instruction

Career and technical instruction shall be designed to prepare individuals:

- A. For life skills and paid employment as skilled workers or technicians or paraprofessionals in recognized occupations and in new or emerging job markets;
- B. For enrollment in advanced or highly skilled career and technical education programs;
- C. For making informed and meaningful occupational choices; and
- D. To achieve and combination of the above objectives.

District Career and Vocational Programs

The board shall provide secondary and postsecondary students with career and technical education programs and programs of study in Department-recognized Career Clusters that, in fulfillment of the New Jersey Student Learning Standards, shall:

- A. Include implementation of curriculum and instructional methods that incorporate academic and technical standards;
- B. Include structured learning experiences (SLE) that are supervised, in-depth learning experiences aligned to the New Jersey Student Learning Standards that are designed to offer students the opportunity to more fully explore career interests within one or more of the Career Clusters. SLEs are designed as rigorous activities that are integrated into the curriculum and that provide students with opportunities to demonstrate and apply a high level of academic and/or technical skills, and develop personal, academic, and career goals;
- C. Address industry standards, where available;
- D. Provide a variety of learning experiences to best serve the multiple learning styles of students;
- E. Provide for multiple pathways to prepare for careers and gainful employment, and/or continuing education, such as college, postsecondary career and technical education, specialized certification, and/or registered apprenticeships;
- F. Encourage life-long learning and productive citizenship.

The superintendent shall seek and use all available state, federal and private sources of revenue for the financial support of career and technical education in this district. The superintendent will develop regulations by which the career and technical education program shall be annually evaluated.

Levels of Performance

The board of education shall meet the levels of performance prescribed by the Department of Education in accordance with N.J.A.C. 6A:19-5.1, in the following areas:

- A. For secondary students, and postsecondary students in two- and four-year institutions of higher education:
 - 1. Academic attainment in reading/language arts;

CAREER AND TECHNICAL EDUCATION (continued)

2. Technical skill attainment;
3. Student graduation rates;
4. Academic attainment in mathematics;
5. Placement-employment, postsecondary education, or advanced training, or military service;
6. Non-traditional student participation; and
7. Non-traditional student completion.

B. For postsecondary students in county vocational school districts:

1. Technical attainment;
2. Credential, certificate, or degree attainment;
3. Placement-employment, further education, or military service;
4. Retention-education, employment, or military service;
5. Non-traditional student participation; and
6. Non-traditional student completion.

All students shall have equal and bias-free access to career and technical education programs and a full range of possible occupational, professional, and career and technical education choices including careers in the science and technology industries and nontraditional careers, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, gender identity or expression, religion, pregnancy, disability, English proficiency, immigration status, housing status or socioeconomic status.

The board of education shall strive to make continuous and significant improvement in career and technical achievement of career and technical education students, and levels of performance shall be objective, quantifiable, and measurable. The board shall also identify in the local plans the level of performance targeted for each of the core indicators of performance.

All students participating in career and technical education programs supervised by this board or in shared-time programs are considered to be regularly enrolled in the schools of this district, and subject to the policies and rules of this board, including rules regarding attendance for those periods when they are not assigned to outside work projects or other classes.

Adopted:	June 12, 2002, June 9, 2008, January 2, 2019
NJSBA Review/Update:	April 2022
Readopted:	January 4, 2023

Key Words

Career Education, Vocational-technical Education

New Jersey Career Clusters:

Agriculture, Food and Natural Resources
 Architecture and Construction
 Arts, A/V Technology and Communications
 Business Management and Administration
 Education and Training
 Finance
 Government and Public Administration
 Health Science
 Hospitality and Tourism
 Human Services
 Information Technology
 Law, Public Safety, Corrections and Security
 Manufacturing
 Marketing

CAREER AND TECHNICAL EDUCATION (continued)

Science, Technology, Engineering and Mathematics
Transportation, Distribution and Logistics

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:38-36	Employment certificates to part-time students; revocation
	<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, students and visitors in certain cases
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:54E-1 through -5	Business and school partnerships
	<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
	<u>N.J.A.C.</u> 6A:8-2.2	Authority for the state plan for vocational education
	<u>N.J.A.C.</u> 6A:8-3.2	Career education and counseling
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:9B-1.1 <u>et seq.</u>	State board of examiners and certification
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9B-9.4, -11.3, -14.19 through -14.21	
	<u>N.J.A.C.</u> 6A:19-1.1 <u>et seq.</u>	Career and technical education programs and standards
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:19-1.2, -2.1, -2.3, -3.1, -5.1, -5.2, -6.1, -6.5, -6.7, -6.8	
	<u>N.J.A.C.</u> 6A:23A-17.4	Method of determining tuition rates for county vocational schools
	<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Carl D. Perkins Career and Technical Education Act of 2006, P.L.109-270

Possible

<u>Cross References:</u>	*3220/3230	State funds; federal funds
	*3516	Safety
	*5142	Student safety
	*5145.4	Equal educational opportunity
	*6010	Goals and objectives
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6142.2	English as a second language; bilingual/bicultural

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

HIV PREVENTION EDUCATION

The board of education believes HIV education should be integrated into the comprehensive health education curriculum but may also be applied to other curriculum areas.

The district HIV education program must address, at a minimum, the nature, transmission, prevention and effects of the disease. The program shall be provided through a coordinated sequential elementary and secondary curriculum, taking into consideration the age, growth, development and maturity of the students and the subject matter of the course. Development of the program should take into account the instructional needs of all students in the district.

The superintendent shall ensure that the information presented as a part of the HIV prevention education program is articulated in such a way that transition from grade to grade in the elementary schools and from elementary to secondary approaches to the material will be appropriate for all students.

The superintendent shall be responsible for the preparation and development of an HIV prevention education program, with active consultation and participation of an advisory committee that may consist of teachers, administrators, parents/guardians, students (as appropriate), physicians, members of social and health service agencies, members of the clergy and representative members of the community. The board shall appoint the members of the committee upon the recommendation of the superintendent. The advisory committee shall be responsible for reviewing the instructional program and all materials to be used and, through the superintendent, of recommending same for board adoption.

The superintendent shall ensure that all staff involved in teaching the HIV prevention education program are properly certified for the subject area in which they are teaching and adequately prepared to teach the material. As necessary, appropriate staff training shall be provided.

Upon request, the HIV education curriculum will be made available to parents/guardians for their review. The superintendent will establish procedures whereby students whose parents/guardians present to the building principal a signed statement that a designated part of the instruction is in conflict with his/her conscience, morals or religious beliefs will be excused from that part of the curriculum. An alternative educational opportunity shall be provided during the time a student is excused from part or the entire program. The alternative educational opportunity will include topics that do not conflict with the parents/guardians beliefs but fall within the same subject area (i.e. comprehensive health education) as the program from which the student is excused. There shall be no loss of class credit or credit toward graduation from such an exemption.

The superintendent shall establish a process for evaluating and updating the HIV prevention education program to incorporate new information. Any such revisions shall be implemented after consultation with and review by an advisory committee as described above.

The Salem City Board of Education alone, upon the recommendation of the superintendent, shall determine the content, sequence, and materials of the HIV prevention education program. The board shall ensure compliance with all requirements of state and federal law concerning the content of the curriculum and distribution of materials.

Adopted: June 12, 2002, January 9, 2008, January 2, 2019
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Readopted: January 4, 2023

Key Words

HIV PREVENTION EDUCATION (continued)

AIDS, HIV Prevention Education

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:35-4.7	Parents statement of conflict with conscience
<u>N.J.S.A.</u> 18A:35-4.19 through-4.22	<u>AIDS Prevention Act of 1999</u>
<u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u>	Acquired Immune Deficiency Syndrome
<u>N.J.A.C.</u> 6A:8-3.1(d)	Curriculum and instruction
<u>N.J.A.C.</u> 6A:16-2.1(a)7	Health services policy and procedural requirements
<u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
<u>N.J.A.C.</u> 12:100-4.2	Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 19910.1030 - Bloodborne Pathogens Standard

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

S. T. v. Board of Education of the City of Millville, 1986 S.L.D. (December 24), aff'd St. Bd.

Possible

<u>Cross References:</u> *1220	<u>Ad hoc</u> advisory committees
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5124	Reporting to parents/guardians
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.2	Illness
*5145.4	Equal educational opportunity
*6122	Articulation
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142	Subject fields
*6142.1	Family life education
*6142.4	Physical education and health
*6144	Controversial issues
*6146	Graduation requirements
*6161.2	Complaints regarding instructional materials
*6300	Evaluation of the instructional program

*Indicates policy is included in the Critical Policy Reference Manual.

ENGLISH AS A SECOND LANGUAGE; BILINGUAL PROGRAMS

The Salem City Board of Education shall provide bilingual, English as a second language (ESL), English language services and/or bilingual programs of instruction for students who:

- A. Do not speak English and need instruction toward mastery of the English language;
- B. Speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language;
- C. Speak a language other than English, are more capable of performing school work in that language, and need their basic educational program taught in that language.

Definitions

"Bilingual education program" means a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive, given in the native language of ELLs enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of ELLs enrolled in the program, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area that is the native land of the parents of ELLs enrolled in the program, and in the history and culture of the United States.

"English as a second language (ESL) program" means a daily developmental second-language program of at least one period of instruction based on student language proficiency that teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the students' experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.

"English language learner" or "ELL" means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability.

"English language services" means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than 10 ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.

Identification of Eligible English Language Learners

The board shall determine the native language of each English language learner at the time of the student's enrollment in the district and maintain a census indicating all identified students whose native language is other than English.

The board of education shall develop and the superintendent or his or her designee shall implement a screening process, initiated by a home-language survey, to determine which students whose native language is other than English in grades kindergarten to 12 must be tested to determine English language proficiency. The screening shall be conducted by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.

The board shall ensure that the English proficiency of students who are not screened out by the home-language survey shall be determined by:

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

- A. Administering a Department-approved English language proficiency test;
- B. Assessing the level of reading in English;
- C. Reviewing the previous academic performance of students, including their performance on standardized tests in English; and
- D. Reviewing the input of teaching staff members responsible for the educational program for ELLs;
- E. Students who do not meet the Department standard on a Department-approved language proficiency test and who have at least one other indicator shall be considered ELLs.

The board, through the superintendent or his or her designee shall also implement age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.

Programs and Services

The goal of English as a second language and English language services programs are to assist students to achieve fluency (including listening, comprehension, speaking, reading, and writing skills) in English and incorporates the cultural aspects of the students' experiences in their ESL instruction. The goal of the bilingual program is to permit students to learn subject matter in their primary language while developing English language skills. The goal of all such programs shall be achievement of the New Jersey Student Learning Standards.

Students enrolled in bilingual, ESL, and English language services programs shall have full access to educational services available to other students in the district. To the extent that is administratively feasible, supportive services to ELLs, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of the ELLs and their parents.

All district high school English language learners (ELLs) shall satisfy both state and district requirements for graduation, except that any English language learners may demonstrate attainment of state minimum levels of proficiency through passage of the State approved alternative high school assessment process in his/her native language and an English fluency assessment approved by the Department of Education or passage of the alternative high school assessment in English with appropriate accommodations.

Parents/guardians of English language learners shall be notified by mail of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL or English language services education program. This notification shall be issued within 30 days of the child's identification and shall include the information that the parents may choose to decline to enroll their child into the bilingual program. The notice shall be in writing and in the language in which the parent/guardian possesses a primary speaking ability, and in English, and shall include the following information:

- A. Why the student was identified as an ELL;
- B. Why the student needs to be placed in a language instructional educational program that will help him or her develop and attain English proficiency and meet State academic standards;
- C. The student's level of English proficiency, how the level of English proficiency was assessed, and the student's academic level;

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

- D. The method of instruction the school will use to serve the student, including a description of other instruction methods available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable;
- E. How the program will meet the student's specific needs in attaining English and meeting State standards;
- F. The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs, and, in the case of high school students, the expected rate of graduation; and
- G. How the instructional program will meet the objectives of the individualized education program of a student with a disability.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all students enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

Exiting the Program

Students shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a Department-established standard on an English language proficiency test. The readiness of the student shall be further assessed on the basis of multiple indicators that shall include, at a minimum:

- A. Classroom performance;
- B. The student's reading level in English;
- C. The judgment of the teaching staff member or members responsible for the educational program of the student; and
- D. Performance on achievement tests in English.

When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the parent/guardian shall be notified by mail of the placement determination. The notice shall be in English and in the language in which the parents/guardian possesses a primary speaking ability. If the parent(s), guardian, or teaching staff member disagrees with the placement, he or she may appeal the placement to the Commissioner, after appealing the decision to the board.

Removal from the Program

Parents/guardians may remove a student who is enrolled in a bilingual, ESL or English language services program at any time; except that during the first three years of the student's participation in a bilingual education program, he/she may only be removed at the end of each school year. Removal prior to the end of the school year shall be approved by the executive county superintendent. If the executive county superintendent determines that the student should remain in the bilingual education program until the end of the school year, the parents/guardians may appeal that decision to the commissioner of education/designee pursuant to law. The commissioner shall render a decision within 30 days of the filing of the appeal.

Parent Involvement

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

The board is committed to providing the maximum practicable involvement of parents/guardians of ELLs in the development and review of program objectives and dissemination of information to and from the board and communities served by the bilingual, ESL, or English language services education programs. The board directs the superintendent or his or her designee to shall establish a parent advisory committee on bilingual education of which the majority membership shall be parent(s) of ELLs.

Inservice Training

The board shall ensure that the superintendent oversees the development of a plan for inservice training for bilingual, ESL, and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the New Jersey Student Learning Standards and the World-class Instructional Design and Assessment (WIDA) English language development standards. All bilingual and ESL teachers shall receive training in the use of the ESL curriculum. The professional development plan of the school district shall include the needs of bilingual and ESL teachers, which shall be addressed through inservice training (see board policy 4131/4131.1 Staff Development, Inservice Education).

Implementation

The superintendent shall direct development of a plan for bilingual program, ESL program, or English language services that is in compliance with state guidelines. The plan shall be submitted every three years to the Department of Education for approval. The plan shall include information on the following:

- A. Identification of students;
- B. Program description;
- C. The number of certified staff hired for the program;
- D. Bilingual and ESL curriculum development;
- E. Evaluation design;
- F. Review process for exit; and
- G. A budget for the bilingual and ESL program or English language services.

The board may request a waiver of the requirement for a full-time bilingual or ESL program when there are 20 or more students eligible for the bilingual education program in grades kindergarten through 12, to establish annually an instructional program alternative. The request must be approved by the Department of Education, and the school district must be able to demonstrate that it would be impractical to provide a full-time bilingual program due to the age range, grade span, and/or geographic location of eligible students.

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Key Words

English as a Second Language, Bilingual Programs, ESL

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

<u>Legal References:</u>	<u>N.J.S.A. 18A:35-15 et seq.</u>	Bilingual education programs
	<u>N.J.A.C. 6A:5-1.1 et seq.</u>	Regulatory Equivalency and Waiver
	<u>N.J.A.C. 6A:8-1.3</u>	Definitions
	<u>N.J.A.C. 6A:8-4.1</u>	Statewide assessment system
	<u>N.J.A.C. 6A:8-5.1</u>	Graduation requirements
	<u>N.J.A.C. 6A:9B-3.1 et seq.</u>	Professional Licensure and Standards
	See particularly:	
	<u>N.J.A.C. 6A:9B-11.5, -11.6</u>	
	<u>N.J.A.C. 6A:15-1.1 et seq.</u>	Bilingual Education
	See particularly:	
	<u>N.J.A.C. 6A:15-1.4</u>	
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>Every Student Succeeds Act, Pub. L. 114-95, Title 1 and Title 3, 20 U.S.C.A. 6301 et seq.</u>	

Possible

<u>Cross References:</u>	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*6121	Nondiscrimination/affirmative action
	*6146	Graduation requirements
	*6147	Standards of proficiency
	*6147.1	Evaluation of individual student performance
	*6171.2	Gifted and talented
	*6171.3	At-risk and Title 1

*Indicates policy is included in the Critical Policy Reference Manual.

PHYSICAL EDUCATION AND HEALTH

The Salem City Board of Education directs that the district's curricular and extracurricular programs of physical education and activities comply with the district's affirmative action resolution and equity plan for school and classroom practices as stipulated in policies 2224, 5145.4, 6121 and 6145 in this manual. The board shall ensure that the comprehensive health and physical education curriculum addresses all elements required by the New Jersey Student Learning Standards.

In general, physical education classes shall not be divided on the basis of sex. The quality and quantity of teachers, equipment and facilities shall be equivalent among the schools and comparable from level to level, taking into account the needs of the students.

Members of district interscholastic athletic teams may be excused from participation in the physical activities part of their physical education program without loss of graduation credit on the request of their coach on any day on which they are designated to participate in a regularly scheduled game. The superintendent shall approve procedures by which coaches will inform the physical education department, on the day in question, of the specific students to be excused. Such students shall be scheduled for a study hall period instead.

The board will consider on a case-by-case basis requests from students or their parents/guardians in the case of minors for permission to satisfy the physical education requirement through an alternative program of athletics or physical education activities that meets the requirements of law and is consistent with the district's physical education program goals and instructional objectives.

The district physical education programs and instructional activities shall be equitable. All physical education programs shall be co-educational unless otherwise indicated by law. All high school offerings in physical education shall be examined for balance and equitable facilities and resources.

Suicide Prevention

Students at all grade levels shall receive instruction in suicide prevention as part of the district health and physical education curriculum and consistent with the New Jersey Student Learning Standards for Comprehensive Health and Physical Education.

Dating Violence

For students in grades 7 through 12, physical education and health curriculum will include the topic of dating violence. "Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

Dating violence education shall include information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.

Upon written request to the school principal, a parent/legal guardian of a student less than 18 years of age shall be permitted within a reasonable period of time after the request is made, to examine the dating violence education program instruction materials developed by the school district.

The purpose of the dating violence information is to help prevent dating situations from becoming unsafe and to help educate students on constructive ways to resolve conflicts in personal relationship.

PHYSICAL EDUCATION AND HEALTH (continued)

To be consistent with law (N.J.S.A. 18A:35-4.23a), the superintendent shall ensure that district procedures and curriculum shall include the following information:

- A. Information that dating violence will not be tolerated;
- B. Dating violence reporting procedures;
- C. Guidelines for responding to at-school incidents of dating violence;
- D. Discipline procedures specific to at-school incidents of dating violence;
- E. Warning signs of dating violence; and
- F. Information on safe and appropriate school, family, peer, and community resources available to address dating violence shall also be included within the curriculum.

Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED)

The board of education shall provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student during high school (in grades 9, 10, 11 or 12). The instruction shall be provided to each student prior to graduation as part of the district's implementation of the New Jersey Student Learning Standards in Comprehensive Health and Physical Education. The board may select a no-cost, non-certification instructional program to meet this requirement.

The instruction provided shall:

- A. Be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally-recognized association with expertise in instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator; and
- B. Include a hands-on learning component for each participating student.

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January 2, 2019
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Key Words

Nondiscrimination, Physical Education, Health, Affirmative Action

<u>Legal References:</u>	<u>N.J.S.A. 18A:6-111 et seq.</u>	Instruction in Suicide Prevention
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:6-113</u>	Instruction in suicide prevention in public school curriculum
	<u>N.J.S.A. 18A:35-4.19 through -4.22</u>	<u>AIDS Prevention Act of 1999</u>
	<u>N.J.S.A. 18A:35-4.23</u>	Domestic violence, child abuse, instructions on those problems
	<u>N.J.S.A. 18A:35-4.23a</u>	Dating violence into health education curriculum
	<u>N.J.S.A. 18A:35-4.28</u>	Instruction in CPR and use of AED for certain students
	<u>N.J.S.A. 18A:35-5 through -9</u>	Maintenance of physical training courses; features

PHYSICAL EDUCATION AND HEALTH (continued)

<u>N.J.S.A.</u> 18A:37-33	Dating violence policy and education
through -37	
<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:9B-5.16	Athletics Personnel
<u>N.J.A.C.</u> 6A:9B-10.3	Health and physical education
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	General Provisions for School Health Services
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.2	
<u>N.J.A.C.</u> 6A:32-9.1	Athletics Procedures

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6142	Subject fields
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6146	Graduation requirements

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

PHYSICAL EDUCATION AND HEALTH

Incidents of dating violence whether they are verbal, sexual, physical or emotional will not be tolerated and will be dealt with according to school student code of conduct.

A. Warning Signs of Dating Violence

A pattern of behaviors may be an important sign that a student is involved in an unhealthy or abusive dating relationship. Warning signs may include but not be limited to the following:

Name Calling and Put Downs: Does one student in the relationship use name-calling or putdowns to belittle or intimidate the other student?

Extreme Jealousy: Does one student in the relationship appear jealous when the other talks with peers?

Making Excuses: Does one student in the relationship make excuses for the other?

Cancelling or Changing Plans: Does one student cancel plans often, and at the last minute? Do the reasons make sense or sound untrue?

Monitoring: Does one student call, text, or check up on the other student constantly. Does one student demand to know the other's whereabouts or plans?

Uncontrolled Anger: Have you seen one of the students in the relationship lose his or her temper or throw and break things in anger?

Isolation: Has one student in the relationship given up spending time with family and friends? Has the student stopped participating in activities that were once very Important?

Dramatic Changes: Has the student in the relationships appearance changed? Lost or gained weight? Does the student seem depressed?

Injuries: Does the student in the relationship have unexplained injuries? Does the student give explanations that seem untrue?

Quick Progression: Did the student's relationship get serious very quickly?

B. Data

Victims of teen dating violence are more likely to bring a weapon to school and have lower academic achievement and grades of D and F. Most acts or incidents of dating violence that occur at school are physical, and a significant number of acts of dating violence are reported to occur at school. Students report fear of attending school or missing school due to safety concerns.

C. Procedures for Reporting Incidents of Dating Violence

All acts or incidents of dating violence shall be reported to the principal/designee in compliance with existing school district policy and procedures. School staff should take all reasonable measures to

prevent acts or incidents of teen dating violence. This report should be made verbally as soon as possible but no later than the end of the student's school day. A written report regarding the act or incident of dating violence should be submitted to the principal/designee by the reporting staff member no later than one day after the act or incident occurs. Staff members are required to report all acts or incidents of dating violence, including, but not limited to:

1. Witnessed or reliable information concerning acts or incidents that are characterized by physical, emotional, verbal or sexual abuse;
2. Digital or electronic acts or incidents of dating violence;
3. Patterns of behavior that are threatening or controlling.

Guidelines for Responding to Incidents of Dating Violence at School

Any school staff member who witnesses or learns of an act or incident of dating violence is required to take the following steps:

1. Separate the victim from the aggressor;
2. Speak with the victim and the aggressor separately;
3. Speak with witnesses or bystanders separately;
4. Inform the principal, or his or her designee of the act or incident;
5. Prepare written report of incident for principal/designee;
6. Monitor the interactions of the victim and the aggressor. Student safety should be the priority.

Administrators

Any school administrator who witnesses or learns of an act of dating violence is required to take the further following steps.

1. Take written statements from the victim and alleged aggressor;
2. Review the victim's and aggressor's written statements to ascertain an understanding of the act or incident. Questions may be asked of either individual for clarification;
3. Further investigate the incident by speaking with bystanders/witnesses of the act or incident. All statements should be documented;
4. Determine whether or not to involve the School Resource Officer or law enforcement.
5. If an assessment by a school social worker, counselor or psychologist determines that the victim or aggressor's mental health has been placed at risk, make appropriate referrals;
6. Contact the parents/guardians of both the victim and the aggressor.
7. If the administrator is not the principal, meet with the principal or designee to discuss the act or incident.
8. The school must notify both the parents/guardians of the victim and of the alleged aggressor in writing of the outcome of the investigation into the act or incident of dating violence.

Support for the Victim of an Act or Incident of Dating Violence

Student safety is the first priority. Avoid Interaction between the victim and the alleged aggressor.

1. The burden of any schedule changes (classroom, bus etc.) should not be placed on the victim
2. Schedule a conference with the victim and their parents/guardians.
3. Identify any means or actions that should be taken to increase the victim's safety and ability to learn in a safe and civil school environment.
4. Advise the victim and their parents/guardians of school and community based resources that may be appropriate, including their right to file charges, if the act or incident violated the law.
5. Monitor the victim's safety as needed.

6. Assist the victim with any plans needed for the school day and after school hours. (e.g. Hallway safety, coordination with parents/guardians for transportation to and from school).
7. An individualized safety plan may be developed if deemed necessary.
8. Discuss a school approved "Stay Away Agreement".
9. Encourage the victim to self report any further acts or incidents of dating violence. that occur at-school.
10. Document all meetings and action plans that are discussed.

Working with the Alleged Aggressor of an Act or Incident of Dating Violence

Administrators shall:

1. Schedule a conference with the alleged aggressor and their parents/guardians.
2. Give the alleged aggressor the opportunity to respond to the allegations of an act or incident of dating violence at-school in a written statement.
3. Advise the alleged aggressor and their parents/guardians about both school and community based support and counseling resources that are available;
4. Identify and implement counseling, intervention and disciplinary methods that are consistent with school policy for acts or incidents of this nature;
5. Review the seriousness of any type of retaliation (verbal, emotional, physical, sexual, electronic/digital) towards the victim who reported the act or incident of dating violence. Indicate that consequences would be issued consistent with the school's student code of conduct and procedures for any type of retaliation or intimidation towards the victim;
6. Document all meetings and action plans discussed;

Documentation of Alleged Incidents of Dating Violence that occur at School, on School Grounds or during School Sanctioned Activities

1. Statements and investigation documents relating to alleged incidents of dating violence should be kept in files separate from student academic and discipline records to prevent the inadvertent disclosure of confidential information;
2. Every act or incident of dating violence at school that is reported should be documented in an appropriate manner, including statements, planning actions, disciplinary measures as well as counseling and other support resources that are offered to and prescribed to the victim or alleged aggressor.

Discipline Procedures Specific to Incidents of Dating Violence at School

The Salem City Board of Education requires school administrators to implement disciplinary consequences and remedial procedures to address acts or incidents of dating violence at school. These procedures and disciplinary consequences should be consistent with the Policy 5131 and the student code of conduct. The procedures specific to acts or incidents of dating violence at school should be used to address the act or incident as well as provide remediation, intervention, education, and prevention for all individuals involved. The responses should be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and alleged aggressor have been involved.

Remediation/Intervention

Efforts to remediate instances of dating violence shall include but not be limited to:

1. Parent conferences
2. Student Counseling (all students involved in the act or incident) § Peer support group

Resources

Parents/guardians and students will be provided with information on safe, appropriate, school, family, peer and community resources available to address dating violence.

Notice

Notice of this regulation shall appear in all district publications that discuss comprehensive rules, procedures, and student conduct.

STUDENT SAFETY PLAN**STUDENT NAME** _____ **Grade** _____ **H.R.** _____**ADMINISTRATIVE Staff** _____**VICTIM SAFETY PLAN**

A safety plan should be considered when a student discloses dating violence and abuse, whether or not a Restraining Order/No Contact Order has been issued by the court.

NOTE: Administrative staff should develop this plan with the victim, in an effort to empower the victim and keep him/her safe. A safety plan needs to be individualized, as every victim has unique needs and challenges.

1.) Any Schedule Changes Made (attach revised schedule) School should consider who will notify the teachers, what if there's only one AP English course in the school and both parties take the course?

2) School Arrival (change in time, entrance, transportation, with whom, etc...)

3) Locker (Is there a gym locker as well? How will the student access their locker ex. five minutes early?)

4) Lunch (Is the cafeteria safe? Can the victim experience retaliation from friends of the perpetrator? Can the eating schedule be changed? Who will alert cafeteria staff of the order?)

5) Route Changes (include places to avoid/watch for, after school activities and team schedules, travel to and from school, class, etc.)

6. School Departure (*time, entrance, designated friend, etc.*)

7. STAFF: *Let the victim select one staff member that they feel comfortable with.. This staff person should be available for student for "check-ins" and support as needed.*

Support Staff _____

8. Additional Staff to Share Plan With: (Administrators, Teachers, Guidance Counselors, Re-source Officer, Lunch Aides, Bus Driver, Coaches, School Nurse, etc.)

9. Support Network of Peers: (to accompany student throughout the day if necessary)

10. Strategies to Problem Solve: Have the victim think through different ways s/he will react and deal with emergency situations, where they would go? Who would they call? Consider strategies to assess dangerousness, threats, Etc.

11. Any Additional Special Conditions: Are there other extracurricular school activities/events which present conflicts? How are they to be addressed?

12. School has completed the Restraining Order/ No Contact Order School Checklist.

SCHOOL-BASED STAY AWAY AGREEMENT

The intent of this agreement is to increase safety for students who have been the victim of bullying, sexual harassment, dating violence, or sexual violence. It is to be administered in a conference with the alleged perpetrator and his or her parent/guardian (if available).

Name of student: _____

Date of most serious incident: _____

Description of behaviors involved in incident: _____

Date of assessment: _____

Date of parent/guardian notification: _____

In order to protect the rights and safety of all members of our school community, you are required to stay away from (name of student)

_____ at all times during the school day and at any school-sponsored event. This means that you may not approach, talk to, sit by, or have any contact, direct or indirect (e.g. through friends, electronic) with (name of student)

_____ at school or on school property, school buses, and bus stops and/or at any school sponsored event.

In addition, the following actions are effective immediately:

Arrival/Departure Time: _____

Entrance: _____

Bus/Parking: _____

Current Schedule: _____

New Schedule: _____

Lunch: _____

Locker: _____

Extracurricular Activities: _____

Other disciplinary actions: _____

Violations of this agreement and acts of retaliation directly or indirectly toward the victim or the victim's friends or family members will be taken seriously and will result in further disciplinary actions. Your compliance will be monitored by

(name and staff title): _____

Agreement is valid from _____ date to _____ date.

This agreement will be reviewed on _____ date.

Signatures:

Student: _____ Date: _____

Administrator: _____ Date: _____

cc: Principal * Assistant Principal * Counselor * School Resource Officer

STUDENT COMPLAINT FORM**Student Complaint Form for reporting DATING VIOLENCE and SEXUAL VIOLENCE**

Name: _____ Student ID: _____ Grade: _____

Date: _____ Time: _____ School: _____

Please answer the following questions about the most serious incident:

List the name of the alleged perpetrator(s) of bullying, sexual harassment, dating violence, or sexual violence: _____

Relationship between you and the alleged perpetrator: _____

Describe the incident: _____

When and where did it happen? _____

Were there any witnesses? ☐ yes ☐ no If yes, who? _____Is this the first incident? ☐ yes ☐ no

If no, how many times has it happened before? _____

Other information, including previous incidents or threats: _____

Student or parent declines to complete this form: Initial: _____ Date: _____

I certify that all statements made in the complaint are true and complete. Any intentional misstatement of fact will subject me to appropriate discipline. I authorize school officials to disclose the information I provide only as necessary in pursuing the investigation.

Signatures

Student: _____ Date: _____

School official receiving complaint: _____ Date: _____

School official conducting follow-up: _____ Date: _____

These documents must remain confidential.

BASIC SKILLS

In order to provide district students with the basic tools necessary for achievement of the New Jersey Student Learning Standards, the Salem City Board of Education directs development of strong basic skills courses at all levels of the schools.

The superintendent shall work with staff to:

- A. Infuse instruction in basic skills into courses of study at all grade levels and ensure the articulation of those skills from grade to grade; and
- B. Actively seek innovative and remedial programs to ensure that all district students acquire the basic skills suited to their grade level and capacity.

The district shall administer state tests as required by law and code and may administer standardized tests as appropriate to determine student achievement levels in basic skills. A child shall participate in a remedial education program as long as he/she does not meet minimum proficiency levels.

Adopted:	January 9, 2008, January 2, 2019
NJSBA Review/Update:	April 2022
Readopted:	January 4, 2023

Key Words

Basic Skills, Remedial Education

Legal References: N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment
See particularly:
N.J.A.C. 6A:8-3.1, -4.1
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

Possible

Cross References: *6122 Articulation
*6140 Curriculum adoption
*6141 Curriculum design/development
*6142 Subject fields
*6142.2 English as a second language; bilingual/bicultural
*6146 Graduation requirements
*6171.1 Remedial instruction
*6171.3 At-risk and Title 1
*6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6142.9

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

ARTS

The Salem City Board of Education directs the superintendent to ensure that curriculum in the arts, including both visual and performing, is developed appropriately for each grade level.

Adopted: January 9, 2008, January 2, 2019

NJSBA Review/Update: April 2022

Readopted: January 4, 2023

Key Words

Art Curriculum, Arts

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7F-46	Review, update of the NJSLS, Educational Adequacy Report
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.A.C.</u> 6A:8-1.3	Definitions
	<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

Cross References: *6010 Goals and objectives
*6140 Curriculum adoption
*6142 Subject fields

*Indicates policy is included in the Critical Policy Reference Manual.

CURRICULUM GUIDES

The superintendent shall oversee development of curriculum guides for every course and area of study for every grade level. Each guide shall contain objectives for concepts and skills to be taught and attitudes to be developed; necessary study skills; suggested materials and activities designed to achieve all of these; and evaluation criteria intended to test the extent to which learning objectives have been met. Curriculum guides shall include all requirements of the New Jersey Student Learning Standards.

Teachers shall use the guides as the core of their instructional planning. It shall be the responsibility of the building principal to ensure that curriculum guides are being followed.

A copy of each guide in use shall be kept on file in each school office. Such guides shall be available for public inspection.

Because curriculum guides are the means of implementing instruction in courses adopted by the board as the curriculum of the district, the board shall approve any new curriculum guides or any revision to an existing guide before they are put into effect.

Adopted: June 12, 2002, January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Curriculum, Curriculum Guides, Subject Fields

<u>Legal References:</u>	<u>N.J.A.C.</u> 6A:8-1.3	Definitions
	<u>N.J.A.C.</u> 6A:8-2.1 <u>et seq.</u>	The New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

<u>Cross References:</u>	*6122	Articulation
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6147	Standards of proficiency

*Indicates policy is included in the Critical Policy Reference Manual.

LESSON PLANS

All teachers are required to maintain and use an updated curriculum guide for preparation of lesson plans for each subject taught. Lesson plans must include objectives which specify what students should know, or be able to do, at the completion of that lesson. Lesson plans should be prepared in enough detail with enough clarity to enable a substitute teacher to carry on the program during the absence of a teacher.

When the teacher plans to use materials not included in the curriculum guide, the teacher should list these materials in the lesson plan.

The building principal shall check lesson plans on a weekly basis.

Adopted: January 9, 2008, January 2, 2019

NJSBA Review/Update: April 2022

Readopted: January 4, 2023

Key Words

Lesson Plans, Curriculum Guides, Curriculum

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-2.1 <u>et seq.</u>	The New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

<u>Cross References:</u>	*4115	Supervision
	*4116	Evaluation
	*4121	Substitute teachers
	*6010	Goals and objectives
	*6142	Subject fields
	*6143	Curriculum guides

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CONTROVERSIAL ISSUES

Free discussion of controversial issues--political, economic, social--shall be encouraged in the classroom whenever appropriate for the level of the group.

Issues may be considered controversial which arouse strong reactions, based either on personal conviction or allegiance to a group. School treatment of controversial issues shall be designed to instruct students in fair and objective study techniques. The decision on whether a particular controversial issue shall become a matter for school study shall be based on the timeliness of the question, the maturity and needs of the students and the purposes of the schools. Classroom discussions on controversial questions which arise unexpectedly shall be the responsibility of the teacher, who shall provide relevant information on both sides of the question. Such discussions shall be kept free from the assumption that there is one correct answer that should emerge from a discussion and be taught authoritatively to the students.

Students shall be taught to recognize each other's right to form an opinion on controversial issues and shall be assured of their own right to do so without jeopardizing their relationship with the teacher or the school.

When public employees make statements pursuant to their official duties: in the classroom, at board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (Garcetti v. Ceballos).

The building principal shall have the authority to limit or suspend discussion of controversial issues pending a review of the issue/materials by the superintendent. Instructional materials not previously approved must be reviewed by the principal before being introduced into the classroom.

Adopted: January 8, 1959, April 16, 1980, January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Controversial Issues, Curriculum, Instructional Materials, Censorship

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Student Protection Rights Amendment - 20 U.S.C. 1232h

Tenure Hearing of William Lee Johnson, Clearview Regional School District, 79 S.L.D. 267; 79 S.L.D. 273 aff'd with deletion of paragraph

Garcetti v. Ceballos 2006 U.S. LEXIS 4341(May 2006)

CONTROVERSIAL ISSUES (continued)

Possible

<u>Cross References:</u>	*1312	Community complaints and inquiries
	5145	Rights
	*6115	Ceremonies and observances
	*6141.2	Recognition of religious beliefs and customs
	*6145.3	Publications
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6161.2	Complaints regarding instructional materials

*Indicates policy is included in the Critical Policy Reference Manual.

EXTRACURRICULAR ACTIVITIES

The Salem City Board of Education believes that the educational goals and objectives of the district are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom program.

Keeping with the various age levels and needs of the children served, the purpose of extracurricular activities shall be:

- A. To develop useful new capabilities in students that can lead to extension of career opportunities;
- B. To develop student initiative and provide for the exercise of responsibility;
- C. To develop leadership capabilities and good organizational skills;
- D. To aid students in the social skills;
- E. To enable students to explore a wider range of individual interests than might be available in the regular program.

For purposes of this policy, "extracurricular activities" shall be those activities that are sponsored or approved by the board but are not offered for credit toward graduation. Such activities shall generally be conducted outside the regular school day, available to students who voluntarily elect to participate, marked by student participation in the processes of initiation, planning, organizing and execution and shall ordinarily include band, clubs, dramatic or musical presentations, and intramural and interscholastic sports.

Equal access to school facilities shall be granted to all activities that meet this definition.

The superintendent shall prepare procedures to implement an extracurricular program which shall:

- A. Assess the needs and interests of the students of this district;
- B. Ensure the provision of competent guidance and supervision by staff;
- C. Guard against the exploitation of students;
- D. Provide for a variety of experiences and a diversity of organizational models;
- E. Provide for the continuing evaluation of the extracurricular program and staff;
- F. Ensure that all extracurricular activities are open to all eligible students and that all students are fully informed of the opportunities open to them.

The guidance goal for each student shall be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians and the student. Guidance is necessary to encourage nonparticipants, and to prevent the overenthusiastic from emphasizing activities at the cost of their academic performance.

Only persons in the employ of a board of education shall be permitted to organize district students during school time or during any recess in the school day for purposes of instruction or coaching or

EXTRACURRICULAR ACTIVITIES (continued)

for conducting games, events, or contests in physical education or athletics. Every teacher who sponsors an activity shall remain with the students until every child has been picked up. Parents/guardians shall be responsible provide transportation, if needed, to and from extra-curricular activities which they consent for their child to attend.

No activity shall be considered to be under the sponsorship of this board unless it has been approved by the board on recommendation of the superintendent. Fund-raising activities of extracurricular groups must be approved by the board.

All students in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity and expression, religion, disability, immigration status, English proficiency, housing status or socioeconomic status. The district shall ensure equity in educational programs including extracurricular activities and provide opportunities for students to interact positively with others on a nondiscriminatory basis.

Good Disciplinary Standing

Good disciplinary standing shall mean that a student is not eligible to participate while serving a detention or suspension. The Superintendent of Schools shall decide at the end of a probation or suspension whether the pupil may return to practice, performance or completion.

- A. When a student already participating in an extracurricular activity is reported for an infraction of the rules for student conduct, the principal shall appoint a staff committee to consider whether the student shall be removed from any or all extracurricular activities.
- B. If a student was in bad disciplinary standing the previous term, the principal shall refer the matter to a staff committee to determine whether the student shall be permitted to participate during the current term.

Good Academic Standing

Good academic standing at the beginning of the school year for all grades, seven through 12, means successful completion of the previous year's requirements, with no failures. In addition, the previous year's requirements are:

- A. For grade 10, completion in grade nine of at least 1/4 of the credits required to receive a Salem City School District state-endorsed high school diploma, with a C average;
- B. For grade 11, completion in grade 10 of the same requirements as in A above;
- C. For grade 12, completion in grade 11 of the same requirements as in A above.

Continuing good academic standing requires maintenance of passing grades in all subjects during the current year, and in grade 12 taking enough course credits to complete the high school graduation requirement by the end of the academic year.

A student who begins the year not in good academic standing, who maintains a passing grade in every subject, may request consideration to participate in extracurricular activities at the beginning of the second semester.

Attendance

The district's attendance policy shall also apply.

EXTRACURRICULAR ACTIVITIES (continued)Participation of Homeschooled or Otherwise Non-enrolled Students

Students who are residents of this district but are home-schooled or otherwise not enrolled in the schools shall not be permitted to participate in the extra-curricular activities or in the intramural / interscholastic programs and/or competitions of the district schools.

Implementation

The superintendent shall direct development of detailed regulations to ensure equitable implementation of this policy. Particular care shall be taken to ensure that all extra-curricular programs and their operation comply with district equity requirements. Participation in academically related coaching or tutoring groups may be exempt from the eligibility requirement at the superintendent's discretion.

Adopted: June 12, 2002, January 9, 2008, Page 1 of 3 March 14, 2012
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

Extracurricular Activities, Cocurricular Activities, Student Activities, Student Activities

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
N.J.S.A. 18A:19-14 Funds derived from student activities
N.J.S.A. 18A:35-20 Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs
N.J.S.A. 18A:42-5, -6 Certain student organizations declared harmful ...
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
N.J.A.C. 6A:8-3.2 Career education and counseling
N.J.A.C. 6A:9B-5.16 Athletics personnel
N.J.A.C. 6A:16-2.2 Required health services
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-9.1 et seq. Athletics Procedures

20 U.S.C.A. 4071-4074 - Equal Access Act

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div. 1994) cert. den. 140 N.J. 277 (1994)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

The Comprehensive Equity Plan, New Jersey Department of Education

NJSIAA Constitution, Bylaws, Rules and Regulations

Possible

Cross References: 1210 Community organizations
 1320 Participation in out of school community activities

EXTRACURRICULAR ACTIVITIES (continued)

*1322	Contests for students
*2224	Nondiscrimination/affirmative action
*3453	School activity funds
4143/4243	Extra pay for extra work
*5113	Absences and excuses
*5126	Awards for achievement
*5131	Conduct/discipline
*5136	Fund-raising activities
5143	Insurance
*5145.4	Equal educational opportunity
*6010	Goals and objectives
*6142	Subject fields
6142.5	Travel and exchange programs
*6142.12	Career and technical education
*6145.1/6145.2	Intramural competition; interscholastic competition
6145.4	Public performances and exhibitions
6145.5	Student organizations
6145.7	Social events/meetings
*6146	Graduation requirements
*6153	Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

The Salem City Board of Education considers all competitive extracurricular activities--academic, artistic and athletic--an integral part of the total educational program. Competitive activities shall be under the same administration and control as the rest of the school program and closely articulated with it.

Competitive activities and artistic expression can provide students with valuable experiences and opportunities. In this district, the emphasis in any competition or artistic expression shall be on providing inclusion in such experiences and opportunities rather than on producing winning teams or providing entertainment. Practice for or performance in any competitive event shall not interfere with the regular educational program.

The board shall approve all proposed interscholastic competitions, either via schedule or as a discrete event, whichever is appropriate. The board must approve membership in any leagues, associations and conferences, and any agreements with other schools for a series of games or events. Contests of any kind between and among the schools of the district shall be approved by the superintendent.

The board shall appoint coaches, advisors, physicians and other necessary supervisory personnel upon recommendation of the superintendent. The superintendent shall also ensure that training programs/regulations are developed for all extracurricular athletic activities and that all physical facilities involved in any competition in which district schools take part shall be adequate, safe and sanitary.

Public recognition shall be given to participants in academic or artistic competitions in the same measure as to athletic competitors. The district's affirmative action resolution and plan for equity in school and classroom practices shall apply to determining eligibility for competition, approval of each competitive activity in which students officially represent the district, and district expenditure to provide facilities and coaches.

Parental Consent

No student may participate in a school-sponsored physical or artistic activity outside the general education curriculum without a signed consent form from a parent/guardian naming the activity and acknowledging that the activity may be hazardous.

Academic Eligibility

Academic standards for eligibility shall be those established by policy 6145 Extracurricular Activities.

Attendance Standards

Attendance standards shall be those set in policy 5113 Attendance, Absences and Excuses. In particular, a student shall not participate in a performance, exhibition, practice or athletic event unless he/she has been present in school that day or has been absent for an excused reason other than for sickness.

Disciplinary Standards

Disciplinary standards are based on board policies 5114 Suspension and Expulsion and 5131 Conduct/Discipline. Students on disciplinary probation or serving a detention or suspension may not practice, perform or compete. The superintendent and the building principal shall decide at the end of a probation or suspension whether the student may return to practice and competition.

Special Education Students

To participate in interscholastic competition, special education students must meet the same requirements listed above and the physical eligibility requirements. Reasonable modifications must be provided to each qualified student seeking to participate in an extra-curricular activity. However, a modification may be denied if, based on an individualized assessment, the modification presents an objective health or safety risk to the student or to others, or where the modification would result in a fundamental alteration to the nature of the program. A fundamental alteration is a modification that provides an objective advantage or disadvantage or requires a change in the rules of competition.

**The following section on charter school students is required for school districts with grades 9-12 only.*

Charter School Students

A district resident student enrolled as a full-time student in grades 9-12 at a charter school who wishes to participate in a particular sport that is not offered by the charter school may participate in the sport if offered by this district upon agreement of both principals. The number of sports programs offered at the charter school shall not factor into the agreement to allow the student to participate.

Charter school students shall be subject to the eligibility requirements and rules for participation for the sport and the district code of student conduct.

Participation of Homeschooled or Otherwise Non-enrolled Students

Students who are residents of this district but are home-schooled or otherwise not enrolled in the schools shall not be permitted to participate in the extra-curricular activities or in the intramural / interscholastic programs and/or competitions of the district schools.

Equality and Equity in Athletic Programs

The district athletic programs shall be operated equitably with regard to the male and female teams including:

- A. Relatively equal numbers of varsity and sub-varsity teams for male and female students;
- B. Equitable scheduling of night games, practice times, locations and number of games for male and female teams;
- C. Equitable treatment that includes staff salaries, purchase and maintenance of equipment and supplies;
- D. Comparable facilities for male and female teams.

Physical Eligibility

All students in grades six through 12 participating in intramural or interscholastic athletics must be given a medical examination within 365 days prior to the first practice session, with a health history update if the examination was completed more than 60 days prior to the first practice session of the first sport participated in. The medical examination shall be given at the student's medical home, as defined in file code 5141.3 Health Examinations and Immunizations. If a student does not have a medical home, the school physician shall conduct the medical examination. Examinations shall be made available throughout the school year consistent with the district athletic schedule. The examination shall be documented on the form approved by the commissioner of education and include, as a minimum, the components listed in the administrative code. In the event a private physician is used, the medical examination shall not be at the expense of the board of education.

The parents/guardians shall be sent written notification signed by the examining physician testifying to the student's physical fitness to participate in athletics. The reason for the physician's disapproval of the student's participation shall be included in the notification. The health findings of the medical examination for participation in athletics shall be made part of the general health examination record.

The superintendent shall present to the board for adoption procedures for administration of the required medical examination. The procedures for the medical examination to determine the fitness of a student to participate in athletics shall include a form for a medical history to be filled out and returned by a parent/guardian and a form to be filled out by the examining physician.

The medical examination to determine the fitness of a student to participate in athletics shall include, as a minimum, the following:

- A. A medical history questionnaire, completed by the parent/guardian of the student, to determine if the student:
 1. Has been medically advised not to participate in any sport, and the reason for such advice;
 2. Is under a physician's care and the reasons for such care;
 3. Has experienced loss of consciousness after an injury;
 4. Has experienced a fracture or dislocation;
 5. Has undergone any surgery;
 6. Takes any medication on a regular basis, the names of such medication and the reasons for such medication;
 7. Has allergies including hives, asthma and reaction to bee stings;
 8. Has experienced frequent chest pains or palpitations;
 9. Has a recent history of fatigue and undue tiredness;
 10. Has a history of fainting with exercise;
 11. Has a history of family members dying suddenly.
- B. A physical examination which shall include, as a minimum, no less than:
 1. Measurement of weight, height, and blood pressure;
 2. Examination of the skin to determine the presence of infection, scars of previous surgery or trauma, jaundice, and purpura;
 3. Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
 4. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
 5. Examination of the nose to assess the presence of deformity which may affect endurance;
 6. Assessment of the neck to determine range of motion and the presence of pain associated with such motion;
 7. Examination of chest contour;
 8. Auscultation and percussion of the lungs;
 9. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
 10. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
 11. Assessment of the back to determine range of motion and abnormal curvature of the spine;
 12. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
 13. Examination of the testes to determine the presence and descent of both testes, abnormal masses or configurations, or hernia;
 14. Assessment of physiological maturation;
 15. Neurological examination to assess balance and coordination and the presence of abnormal reflexes.

**The following section on varsity letters is required for school districts with grades 9-12 only.*

Varsity Letters

A student enrolled in grades 9-12 who participates in any school-sponsored, interscholastic extracurricular activity that includes competitions in which the student competes against students enrolled in schools outside of the district may be eligible to earn a varsity letter awarded by the district. The activity leader or athletic coach may as he or she deems appropriate, submit criteria for awarding varsity letters to the superintendent or his or her designee for approval. The superintendent or his or her designee shall approve the criteria for each school-sponsored, interscholastic extracurricular activity that includes competitions prior to varsity letters being awarded.

The activity leader or the athletic coach shall be responsible for development of the criteria for determining outstanding performance that qualifies a student to earn a varsity letter in the activity. The criteria shall apply to all participants in the activity and may include but are not limited to:

- A. The number of participants in the activity;
- B. The length of time the student has participated;
- C. The percentage of competitions the student has participated in;
- D. Attendance at practices and competitions;
- E. Indicators of outstanding effort, performance and teamwork.

The district shall not be required to award a varsity letter or to establish any school-sponsored, interscholastic extracurricular activity.

Insurance

The board may cover each participant in an extracurricular activity with insurance coverage in consultation with the current insurance carrier.

Parents/guardians shall be strongly encouraged to participate in the supplemental student accident insurance program offered by the board.

Pamphlet on Sudden Cardiac Arrest

Once each school year, the superintendent or designee shall distribute to parents/guardians of students participating in school sports, the New Jersey Department of Education's pamphlet on sudden cardiac death. The pamphlet includes a description of early warning signs and privately available screening options.

Fact Sheet on the Use and Misuse of Opioid Drugs

Once each school year, the superintendent or designee shall distribute to parents/guardians of students participating in the interscholastic sports program or cheerleading program the educational fact sheet developed by the Commissioner of Education in consultation with the Commissioner of Health that provides information 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. The district shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his/her parent or guardian.

Good Sportsmanship

The board believes that instilling habits of good sportsmanship should be one of the primary goals of athletic endeavors and that all district employees should model good behaviors in this area.

It is especially important that the athletic director and coaches accept the responsibility for encouraging young athletes to handle themselves in a sportsmanlike way and be models of self-control and dignity for players and spectators. Coaches shall include discussions on courtesy and sportsmanlike behavior as part of pre-game activities. Student fans shall be reminded that their conduct reflects on the schools of this district and that poor sportsmanship will be disciplined.

Parents/guardians and other adult spectators shall also be encouraged to act as models for young people by demonstrating self-control and dignity at all athletic events.

Unsportsmanlike behavior as exhibited through verbal abuse, rude gestures, taunts, obscenities, thrown objects, etc., shall not be tolerated in students, staff or any persons in attendance at district athletic competitions. Discipline may include, but not be limited to, eviction from the competition and prevention from attending further competitions.

The superintendent shall prepare regulations on good sportsmanship and ensure their dissemination to students, parents/guardians and the community.

Adopted: June 12, 2022, January 9, 2008, July 13, 2011, March 14, 2012
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Extracurricular Activities, Cocurricular Activities, Competition, Intramural Competition, Interscholastic Competition

<u>Legal References:</u> <u>N.J.S.A. 5:17-1 et seq.</u>	Athletic code of conduct permitted; "youth sports event" defined...
<u>N.J.S.A. 18A:11-3</u>	Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
<u>N.J.S.A. 18A:26-2.1 et al.</u>	Certification of director of athletics
<u>N.J.S.A. 18A:36-20</u>	Discrimination; prohibition
<u>N.J.S.A. 18A:40-41</u>	Pamphlet on sudden cardiac death
<u>N.J.S.A. 18A:40-41.10</u>	Educational fact sheet relative to use, misuse of opioid drugs for sports-related injuries
<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance abuse
<u>See particularly:</u>	
<u>N.J.S.A. 18A:40A-9, -10, -11</u>	
<u>N.J.S.A. 18A:42-2</u>	School orchestra not to compete with civilian musicians; exceptions
<u>N.J.S.A. 18A:42-7</u>	Participants in certain interscholastic extracurricular activities may earn varsity letter
<u>N.J.S.A. 18A:43-1</u>	Accident insurance for students authorized
<u>N.J.A.C. 6A:7-1.4</u>	Responsibilities of the district board of education
<u>N.J.A.C. 6A:7-1.7</u>	Equality in school and classroom practices
<u>N.J.A.C. 6A:9B-5.15</u>	Persons employed to coach for swimming or diving programs
<u>N.J.A.C. 6A:9B-5.16</u>	Athletics personnel
<u>N.J.A.C. 6A:11-4.14</u>	Sports programs
<u>N.J.A.C. 6A:16-2.1 et seq.</u>	General Provisions for School Health Services

See particularly:

N.J.A.C. 6A:16-2.2

N.J.A.C. 6A:30-1.1 et seq.

Evaluation of the Performance of School Districts

N.J.A.C. 6A:32-9.1 et seq.

Athletic Procedures

See particularly:

N.J.A.C. 6A:32-9.1(c), -9.1(d-e)

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div. 1994) cert. den. 140 N.J. 277 (1994)

NJSIAA Constitution, Bylaws, Rules and Regulations

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References:

*1322	Contests for students
1500	Relations between area, county, state, regional and national associations and the district
*3250	Income from fees, fines, charges
*3453	School activity funds
3530	Insurance management
*3541.31	Privately owned vehicles
4143	Extra pay for extra work
*5125	Student records
*5126	Awards for achievement
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5141.1	Accidents
*5141.3	Health examinations and immunizations
*5141.8	Sports related concussion and head injury
5143	Insurance
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6142.4	Physical education and health
*6145	Extracurricular activities
6145.4	Public performances and exhibitions
*6146	Graduation requirements
*6147.1	Evaluation of individual student performance

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6145.1/6145.2

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Exhibit

INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

USE AND MISUSE OF OPIOID DRUGS FACT SHEET
STUDENT-ATHLETE AND PARENT/GUARDIAN SIGN-OFF

[The New Jersey Department of Education developed this template Student-Athlete Sign-Off Form in January 2018 to assist schools with adhering to state statute requiring student-athletes (and their parents/guardians, if the student is a minor) to confirm they have received an Opioid Fact Sheet from the school. School districts, approved private schools for students with disabilities, and nonpublic schools that participate in an interscholastic sports or cheerleading program should insert their district or school letterhead here.]

In accordance with N.J.S.A. 18A:40-41.10, public school districts, approved private schools for students with disabilities, and nonpublic schools participating in an interscholastic sports program must distribute this [Opioid Use and Misuse Educational Fact Sheet](#) to all student-athletes and cheerleaders. In addition, schools and districts must obtain a signed acknowledgement of receipt of the fact sheet from each student-athlete and cheerleader, and for students under age 18, the parent or guardian must also sign.

This sign-off sheet is due to the appropriate school personnel as determined by your district prior to the first official practice session of the spring season annually and prior to the student-athlete's or cheerleader's first official practice of the school year.

Name of School:

Salem City District:

I/We acknowledge that we received and reviewed the Educational Fact Sheet on the Use and Misuse of Opioid Drugs.

Student Signature:

Parent/Guardian Signature (also needed if student is under age 18):

Date:

*Does not include athletic clubs or intramural events.

Fact Sheet: <http://www.nj.gov/education/students/safety/behavior/atd/opioid/FactSheet.pdf>

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6145.3

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Policy

PUBLICATIONS

The Salem City Board of Education sponsors student publications as important elements of the instructional program. Students are encouraged to develop skills of written and verbal communication and to exercise the right to express their opinions freely and responsibly.

The rights of free speech, and free expression of students in public schools pursuant to the First Amendment, are not automatically coextensive with the rights of adults in other settings and shall be applied in light of the special characteristics of the school environment. The board of education reserves the right to exercise prepublication control over school-sponsored publications through administrative staff and faculty. Students shall have the right to appeal the exercise of censorship by school district staff to the board of education.

Student expression may be restricted, if it can be determined that such expression is inconsistent with the basic educational mission of the school district and when censorship action is reasonably related to legitimate educational concerns.

Students who violate this policy by expression, publication or distribution of any materials which are biased or prejudiced, vulgar or profane, unsuitable for immature audiences, or which do not meet the school district's high standards of learning and propriety consistent with its educational goals and objectives may be subject to appropriate discipline.

This policy shall be implemented in accordance with regulations to be developed by the superintendent. The regulations shall:

- A. Identify school district staff responsible for student publications;
- B. Establish procedures for prepublication review; and
- C. Specify procedures for appeal by students to the board of education with provisions for prompt decisions to be made at each level.

Websites

School-sponsored websites are also subject to this policy and to the same regulatory constraints as are print publications.

Adopted: March 28, 2007, October 10, 2018
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Publications, Student Publications

Legal References: N.J.S.A. 18A:11-1
N.J.S.A. 18A:36-35
N.J.S.A. 18A:54-20

General mandatory powers and duties
School Internet web sites; disclosure of certain student information prohibited
Powers of boards (county vocational schools)

PUBLICATIONS (continued)

N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards

Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)

Possible

Cross References: *1111 District publications
5145 Rights
5145.2 Freedom of speech/expression
*5145.5 Photographs of students
*6142.10 Technology

*Indicates policy is included in the Critical Policy Reference Manual

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6145.3

 Monitored

 Mandated

 X **Other Reasons**

Policy

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Students who violate this policy by expression, publication or distribution of any materials which are biased or prejudiced, vulgar or profane, unsuitable for immature audiences, or which do not meet the school district's high standards of learning and propriety consistent with its educational goals and objectives may be subject to appropriate discipline.

This policy shall be implemented in accordance with regulations to be developed by the chief school administrator. The regulations shall:

- A. Identify school district staff responsible for student publications;
- B. Establish procedures for prepublication review; and
- C. Specify procedures for appeal by students to the board of education with provisions for prompt decisions to be made at each level.

Student Freedom of Expression

It is the policy of this district to ensure all students enjoy free speech and free press protections related to school-sponsored media, and to encourage students to become educated, informed and responsible members of society.

No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school or district policy.

Definitions

"School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public school, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

"Student journalist" means a public school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

PUBLICATIONS (continued)

“Student media adviser” means an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.

Except as otherwise provided in this policy, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school district facilities, or produced in conjunction with a class in which the student is enrolled. A student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists.

School-Sponsored Student Media

Student journalists are responsible for determining the news, opinion, feature, and advertising content of school-sponsored student media. Student journalists may create an editorial hierarchy (e.g, student editorial board, editor in chief, section editors, etc.) for determining content.

Student journalists shall strive to:

- A. Make decisions based upon news value and guided by the Code of Ethics provided by the Society of Professional Journalists, National Scholastic Press Association, Journalism Education Association, or other relevant group;
- B. Produce media based upon professional standards of accuracy, objectivity, and fairness;
- C. Review material to improve sentence structure, grammar, spelling, and punctuation;
- D. Check and verify all facts and verify the accuracy of all quotations; and
- E. In the use of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

No student journalist shall be disciplined, restrained, or otherwise censored, penalized, or punished when acting in accordance with this section. There shall be no prior restraint by any person of material prepared for school-sponsored media unless it falls within one of the exceptions, listed below.

No student shall be sanctioned for operating as an independent journalist.

Administrative prior review shall be rare, if it occurs at all. Sound pedagogical, ethical and legal rationale exist opposing all forms of prior review. Any reason for such prior review shall be clearly communicated to the student journalist in writing at the time student media is restrained, and at no time will school-sponsored student media be held for review longer than 72 hours or more than 24 hours beyond the publication deadline time as established by the student journalist, whichever comes first. Any costs borne by the student media program as a result of delays pertaining to administrative prior review shall be covered by the school.

Student Media Advisers

Student media advisers are responsible for working with and providing guidance to student journalists. Student media advisers provide training in journalistic principles and access to necessary resources, including but not limited to training in journalistic ethics and media law.

Student media advisers may provide feedback to students including teaching professional standards of English and journalism. Student media advisers do not determine, assign, or approve the content of student media, except if the adviser believes the student media has met the criteria for exclusion listed in

PUBLICATIONS (continued)

"Exceptions" below. Such decisions are subject to the appeal process, outlined below.

In the event a student media adviser is not previously trained in journalism, appropriate professional development will be made available by the school district, preferably through the state's journalism education association, the national Journalism Education Association or other recognized entity aimed at supporting media advisers.

A student media adviser may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist engaged in permissible conduct or refusing to infringe on conduct that is protected by the First Amendment to the United States Constitution, paragraph 6 of Article I of the New Jersey State Constitution, N.J.S.A. 18A:36-45, or this policy. No financial decisions relating to the student media program may be based, in whole or in part, on the past, present, or potential content of school-sponsored student media.

Exceptions

This policy does not authorize or protect school-sponsored media that:

- A. Is libelous or slanderous;
- B. Constitutes an unwarranted invasion of privacy;
- C. Is profane or obscene;
- D. Violates federal or state law; or
- E. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of a lawful school district policy, or the material and substantial disruption of the orderly operation of the school.

If, in the opinion of a student editor, student editorial staff or faculty adviser, material proposed for a publication may fall within the list of exceptions, above, the board attorney shall be consulted. The final decision of whether the material is to be published or distributed will be left to the student editor or student editorial staff.

District officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension. In determining whether student media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. Consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question. Actual or potential heated discussion or debate alone is not sufficient evidence of a material and substantial disruption.

District officials shall have the burden of providing to the student journalist prior written justification for their limitation of school-sponsored media.

Appeals

The student journalist shall have the right, within five business days of receiving the written reason for limitation of school-sponsored student media, to appeal the decision to the chief school administrator.

Appeals must be filed in writing. The chief school administrator shall convene a hearing within five business days. The student journalist shall have the right to have the student's parent or legal guardian and the student

PUBLICATIONS (continued)

media adviser present. The burden of proof shall be on the principal or his or her appointed representative to demonstrate that the media in question has met the criteria for exclusion. The chief school administrator shall render a written decision within 48 hours of the hearing.

The student journalist shall have the right, within five business days of receiving the chief school administrator's written decision, to appeal to the school board. The school board shall hear the appeal at the next regularly scheduled board meeting, or within 10 business days, whichever comes first. The school board shall render a written decision within 48 hours of the hearing.

The decision of the board shall be considered the final determination.

Web Sites

School-sponsored web sites are also subject to this policy and to the same regulatory constraints as are print publications.

Adopted:
NJSBA Review/Update:
Readopted:

Key Words

Publications, Student Publications

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-35 School Internet web sites; disclosure of certain student information prohibited
N.J.S.A. 18A:54-20 Powers of boards (county vocational schools)
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards

Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)

Possible

Cross References: *1111 District publications
5145 Rights
5145.2 Freedom of speech/expression
*5145.5 Photographs of pupils
*6142.10 Technology

*Indicates policy is included in the Critical Policy Reference Manual

GRADUATION REQUIREMENTS

In order to be graduated from the Salem City School District high school, and receive a state-endorsed board of education diploma, a student must:

- A. Meet both state and district proficiency standards in the New Jersey Department of Education approved curriculum areas; achieve or exceed passing grade on New Jersey Department of Education approved State-wide high school proficiency assessment;
- B. Complete successfully any course requirements stated in the administrative code, unless those of the district are greater, in which case the district's standard must be met. The proficiencies required must include the New Jersey Student Learning Standards approved by the State Board of Education;
- C. Select and complete successfully enough elective credits to meet the district minimum of 130 credits.

Successful completion means that the student has demonstrated the degree of proficiency required by the district to indicate achievement of the district goals for the particular course and has attended the required number of course sessions.

Transfer students must meet all state and local requirements in order to receive a Salem City High School diploma.

The superintendent shall put into effect the procedures necessary to assess each student upon entry into the system, and, annually thereafter, to identify those students not meeting the state or district proficiency requirements. The superintendent shall develop the programs and processes necessary to remedy these deficiencies at the lowest possible grade level and make every effort to have the teaching staff fully prepare students.

Remediation and Basic Skills

Students who do not pass the New Jersey Department of Education approved statewide proficiency assessment, the elementary assessment component for grades three through five and the middle school components for grades six through eight shall be provided appropriate remediation.

Twelfth-grade students who have satisfied all other graduation requirements but have repeatedly failed the statewide examination shall receive a special review assessment as provided by law.

English Language Learners

English language learners must be provided with the program opportunities required by law, and must fulfill the regular state and district requirements for graduation.

Special Education Students

A student with a disability enrolled in the Salem City School District, whether attending the high school or sent by the district on a tuition basis to a different secondary school, must meet all state and local high school graduation requirements in order to receive a state-endorsed high school diploma unless exempted in his/her IEP with the written approval of the superintendent.

A student who qualifies may take an alternate proficiency assessment approved by the New Jersey

Department of Education, if alternate requirements for graduation have been specified in his/her IEP.

By June 30 of a disabled student's last year in the elementary program, the student's case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the student's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review.

The basic plan of the IEP for the student exiting the elementary program will address all the elements required in the administrative code. The description of the educational program will include exemptions, if any, from regular education program options or state and local graduation requirements including the Department of Education approved statewide high school proficiency assessment, along with the rationale for the exemptions. The exemptions must be approved in writing by the superintendent.

Required reviews of the IEP shall continue to address graduation requirements and shall explain why the proficiencies required for graduation are not part of the IEP.

Because graduation with a state-endorsed diploma is a change of placement that requires written notice, all procedures described in the administrative code shall be followed scrupulously. Procedures shall include written notice to parents/guardians that includes a copy of procedural safeguards published by the State Department of Education and opportunity for mediation or a due process hearing.

Proficiency

In consultation with appropriate professional staff, the superintendent shall develop and present to the board for adoption indicators of achievement and standards of proficiency and attendance demonstrating successful completion of each course offered at every level of the high school.

The subject matter and standards of proficiency shall be articulated with the district's elementary schools and with sending elementary districts.

In accordance with law, the board of education shall have copies of this policy distributed to all ninth-grade (or otherwise entering students) and their parents/guardians.

They shall also be informed as to the examinations, demonstrated proficiencies, course and credit hour requirements, attendance policies, and any other state and local requirements.

Proficiency requirements for each individual course shall be given to students upon registering for the course.

The yearly program of studies for each student in the high school must be approved and signed by the parent/guardian, except in the case of 18-year-old students.

Early Graduation

Students who have clearly demonstrated a scholastic aptitude, an unusual readiness for the world of work, a financial need, or a serious health or family concern may be considered for early graduation. Minimal graduation requirements must be completed early. Approval must be obtained from the parents/guardians and the administration.

Individualized Student Learning Opportunities

The board shall establish a process to approve individualized student learning opportunities that meet or exceed the New Jersey Student Learning Standards.

A. Individualized student learning opportunities areas include, but are not limited to, the following:

1. Independent study;
 2. Online learning;
 3. Study abroad programs;
 4. Student exchange programs; and
 5. Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.
- B. Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the new Jersey Student Learning Standards shall:
1. Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;
 2. Include demonstration of student competency;
 3. Be on file in the school district and subject to review by the Commissioner or his or her designee.

To earn credit toward high school graduation for individualized student learning opportunities, the student shall successfully complete assessments that verify student achievement in meeting or exceeding the New Jersey Student Learning Standards at the high school level. Achievement may be verified by assessments including standards achieved by means of the individualized student learning opportunities. Such programs or assessments may occur all or in part prior to a student's high school enrollment.

No assessments administered shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.

Student Enrollment in College Courses– Option 2

The board shall make reasonable efforts to develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified students.

The board shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, College-Level Examination Program (CLEP), or concurrent/dual enrollment at accredited higher education institutions. Students shall receive credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the New Jersey Student Learning Standards.

The board shall determine eligibility requirements for these students and monitor the quality of the courses offered and college faculty who teach the courses.

Notification

A copy of all state and local high school graduation requirements shall be distributed to each pupil who enters or transfers into the high school and to the pupil's parent(s) or legal guardian(s). A copy of the school districts requirements for a state endorsed diploma and those programs to assist pupils in attaining the state endorsed diploma shall be distributed to each pupil and to the pupil's parent(s) or legal guardian(s).

Each pupil and his/her parent(s) or legal guardian(s) will be notified during the school year of the pupil's progress toward meeting graduation requirements. The parent(s) or legal guardian(s) of a pupil who demonstrates significant deficiencies in meeting requirements will be so notified and will be offered an opportunity for immediate consultation with appropriate teaching staff members.

Reporting and Monitoring

The superintendent shall report annually at a public meeting, not later than September 30, to the board and to the commissioner:

- A. The total number of students graduated in the aggregate and disaggregated according to subgroups described in federal law;
- B. The number of students graduated who took a New Jersey Department of Education approved alternate high school proficiency assessment;
- C. The number of students receiving state-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEP's;
- D. The total number of students denied graduation from the 12th grade class;
- E. The number of students denied graduation from the 12th grade class solely because of failure to pass the New Jersey Department of Education approved statewide high school proficiency assessment or alternative high school assessment, based on the provisions of administrative code.

This information shall be reported to the board at a public meeting prior to the date prescribed by law.

The board shall review this policy annually and shall adopt all regulations required by law.

Adopted: February 14, 2005, June 8, 2011, November 12, 2014
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

High School Graduation, Early Warning Test, Graduation, Graduation Requirements, Option 2

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:4-25	Prescribing minimum courses of study for public schools; approval of courses of study
	<u>N.J.S.A.</u> 18A:7C-1	Commissioner of education to develop a program of standards and guidelines
	<u>N.J.S.A.</u> 18A:7C-2	Boards of education; establishment of standards
	<u>N.J.S.A.</u> 18A:7C-4.1	Operation Recognition; purpose; eligibility; application procedure
	<u>N.J.S.A.</u> 18A:7C-5.1	Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
	<u>N.J.S.A.</u> 18A:7F-46	Review, update of the NJSLS, Educational Adequacy Report
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and courses
	<u>N.J.S.A.</u> 18A:35-14.9	Student promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:36-17	Credit of seniors in active military and naval service, etc.
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:8-1.2,-2.1,-3.1,-3.3,-4.1,-4.2,-4.3,-5.1,-5.2	
	<u>N.J.A.C.</u> 6A:13-1.1 <u>et seq.</u>	Programs and practices to support student achievement
	<u>N.J.A.C.</u> 6A:14-3.7	Individualized education program

<u>N.J.A.C.</u> 6A:14-4.11	Graduation
<u>N.J.A.C.</u> 6A:15-1.11	Graduation requirements for English Language Learners
<u>N.J.A.C.</u> 6A:20-2.4	Graduation (adult education programs)
<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:33-1.1 <u>et seq.</u>	School turnaround and improvement

The Department of Education Website, <http://www.nj.gov/njded/assessment/> (Lists the state assessment components)

Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*5113	Attendance, absences and excuses
	*5120	Assessment of individual needs
	*5127	Commencement activities
	6000	Concepts and roles in instruction
	*6010	Goals and objectives
	*6122	Articulation
	*6140	Curriculum adoption
	6141.4	Independent study
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6142.6	Basic skills
	*6145	Extracurricular activities
	*6147	Standards of proficiency
	*6154	Homework/makeup work
	*6171.4	Special education
	*6200	Adult/community education

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

GRADUATION REQUIREMENTS
ALTERNATE LEARNING EXPERIENCES (OPTION II)

Salem City students may apply to receive high school credits for alternative learning experiences.. Option II allows schools to provide enhanced educational opportunities for all the students through the use of multiple and diverse pathways including On-Line Courses.

Important Information:

- A. An application should be completed by the student/parent/guardian seeking approval for the earning of credit outside the traditional Salem City Public School District courses offered as described in the high school course description book. (See revised Course Booklet). Students using option II On-Line courses as a method of satisfying NJDOE and local requirements for graduation will be limited to taking four (4) such courses during their high school career and no more than two (2) in any school year. These On-Line courses will not be factored into the Grade Point Average (GPA).
- B. The application must be completed and submitted at least thirty (30) days prior to the beginning of the proposed program. All required information must be attached to this application. The application should be submitted to the student's counselor.
- C. Option II program/courses during the high school years are available to students in grades ten (10) through twelve (12).
- D. This application will be reviewed by a committee of the Salem City Public School District faculty, administrators and Supervisors, and a decision will be made within twenty-one (21) days. The applicant will be notified in writing. If additional information is requested by the review committee, this information must be submitted within one (1) week.
- E. It is the student's responsibility to maintain academic standing and enrollment in an approved Option II program. Any failure to complete an approved program may jeopardize the student's ability to meet graduation requirements. The Salem City Public Schools cannot guarantee placement in an equivalent Salem City Public Schools course in the case of a student withdrawing from an approved Option II Program.
- F. Salem City Public Schools reserves the right to determine the number of credits to be awarded. Any credits earned via this Option II procedure will not be calculated toward the overall grade point average; therefore, these courses will have no effect on a student's class rank. However, the course and actual grade earned will be noted on the student's official transcript.
- G. When considering awarding credit under Option II, Salem City Public Schools is most concerned with:
 - 1. Does the content of the course/program directly relate to the New Jersey Student Learning Standards (NJSLS) of the Salem City Public Schools course for which the student is requesting credit? (The NJSLS may be found on the NJ Department of Education website at www.state.nj.us/education/)
 - 2. Is the program taught/organized by a qualified professional?
 - 3. What are the goals, objectives, activities, and assessment methods of this program?
 - 4. program?
 - 5. What is the total number of hours associated with this program?

6. Are there any issues involving student safety?
- H. When applying for credit through Option II, the student/parent/guardian should understand they are responsible for:
1. Successfully completing the application and providing all requested information in the stated time frame;
 2. Any tuition or other costs related to the program, including transportation arrangements. (Note: The Board will pay the cost of an Option II on-line course of a class offered in the Salem City High School's Program of Studies that is taken due to the fact that a course cannot be scheduled in a traditional manner due to error made by Salem High counseling office; students who fall into this category can discuss options with their counselor;
 3. Maintaining attendance and academic records for the approved Option II Program;
 4. Securing professional credentials of instructors/coordinators/personnel and ensuring that the program is safe and in compliance with child safety and/or labor laws (Note: Under NJ law, all employees of the Salem City Board of Education are fingerprinted for purposes of background checks. The Option II instructor, if not directly employed by the Salem City Board of Education, may not have been required to submit to such background checks. It is the student/parent/guardian's responsibility to check into this background information.); In the case of On-Line courses, the student's counselor will serve as coordinator';
 5. Providing the Salem City Public Schools with all requested information including, but not limited to academic progress, course syllabus, final grade report, instructor credentials, assessment methods, links to NJSLS, and proof of attendance;
 6. Understanding that the student's attendance at Salem City Public Schools is only required when the student is participating in a Salem City-sponsored program or class. (If a student is participating in an outside, approved Option II Program and the program is not scheduled to meet, that student is not to report to the Salem City Public Schools unless they have a regularly scheduled class at the Salem City Public Schools.);
 7. Providing a student summary report on how the identified course objectives have been met (signed off by the instructor);
 8. Providing final grade reports from an approved Option II program no later than two (2) weeks after the conclusion of the program. (Please note that any final grade report that needs to be considered for graduation purposes must be received by the Salem City Public Schools no later than June 1st. Also, programs that are not finished by the end of the stated time frame will receive a failing grade notation except in cases beyond the student's control).
- I. If the Salem City Public Schools Option II Committee declines the application, the student has the ability to appeal this decision. The following must occur:
1. The student shall notify the principal within five (5) days of notification from the committee. Included in this written appeal to the principal must be the reason(s) why the student feels s/he should be granted permission for the Option II program.
 2. The principal will gather information and notify the student of his/her decision, in writing, within five (5) days.
 3. If the decision is upheld and the student still wishes to appeal s/he must submit a written appeal to the Superintendent of Schools within five (5) school days of receipt of the principal's notification. The superintendent's decision will be communicated to the student in writing within five (5) school days.

Courses Taken Prior to High School

- A. Courses taken in grades prior to a student's enrollment into high school will be awarded.
- B. High school credit as long as the courses meet the objectives of equivalent high school courses (e.g., Algebra I, Spanish I). At the time of enrollment into the high school, parents may request that the course not be included on the high school transcript. As an Option II course, the grades will be

recorded on the transcript but will not be factored into the grade point average or used for class rank purposes.

- C. Though these courses will meet the New Jersey high school graduation requirements, parents are responsible to understand the implications on a child's NCAA athletic eligibility. For NCAA, only courses taken during the 9th through 12th grade years count toward the core course requirements.

Performance or Competency Assessment

Performance or competency assessments are not offered for the awarding of credit in place of completing actual courses/programs.

Utilize these regulations when completing the Option II Application. Please be sure to include and attach all required information to expedite the processing of the application.

ACCELERATION IN KINDERGARTEN TO GRADE 8

Acceleration to the next higher grade level may be considered as an educational option which meets and respects the developing nature of the individual student. This opportunity shall be offered to students in order to supplement their educational program with knowledge and skills which cannot be acquired in their existing program.

Determination of grade placement shall be made after careful consideration of teacher evaluation of student progress, results of standardized testing, the child's developmental needs and, to the extent possible, the wishes of the child's parents/guardians.

Acceleration can be for academic, social or developmental reasons, which respect the individual needs of the learner and his/her personal motivation. In exceptional circumstances, a student may be accelerated if it becomes evident that his/her capabilities are not fully challenged by the work, by the enrichment opportunities offered and by other district options.

Requests for acceleration, whether initiated by teachers or parents/guardians, will be referred to the appropriately trained professionals, including but not limited to the teacher and the school counselor, for consideration. Parental approval shall be required before a student shall receive any accelerated programs, including trial programs. Students shall be monitored in their accelerated program and may be returned to the general education program when the accelerated program fails to meet their needs.

Adopted:	February 14, 2005, January 9, 2008, January 2, 2019
NJSBA Review/Update:	April 2022
Readopted:	January 4, 2023

Key Words

Acceleration, Advancement

Legal References:	N.J.S.A. 18A:7B 12	District of residence; determination
	N.J.S.A. 18A:7C	High school graduation standards
	N.J.S.A. 18A:36 19a	Newly enrolled students; records and identification
	N.J.S.A. 18A:36 25.1	Proof of child's identity required for enrollment; transfer of record between districts
	N.J.S.A. 18A:38 5	Admission of students under age
	N.J.S.A. 18A:38 5.1	No child to be excluded from school because of race, etc.
	N.J.S.A. 18A:38 6	Time of admission of students; first school year
	N.J.S.A. 18A:44 2	Establishment of kindergarten; eligibility for admission
	N.J.A.C. 6A:22-1.1 et seq.	Entitlement to Attend School Based on Domicile or See particularly: Student Residency
	N.J.A.C. 6A:22-3.1, 3.2, 3.3, 3.4	
	N.J.A.C. 6A:23A-19.2, -19.3	Method of determining the district of residence
	N.J.A.C. 6A:32-8.2	School enrollment

Possible

Cross References: *5111 Admission

*5120 Assessment of individual needs

*6142 Subject fields

*6142.2 English as a second language; bilingual/bicultural

*6143 Curriculum guides

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

ACCELERATION IN KINDERGARTEN TO GRADE 8

Acceleration may be considered when:

- A. Acceleration would have a reasonable chance of benefiting the child;
- B. The pupil is achieving one or more grade levels above expected performance in reading and/or language arts and/or mathematics;
- C. Acceleration would not cause an undue social and emotional adjustment.

Procedures for Acceleration

Identification of those pupils who are one or more grade levels above expected performance in the areas of reading, language arts, spelling, and mathematics;

Review all academic records including the following:

- A. Reading folders;
- B. Math folders;
- C. Spelling tests;
- D. Report card grades;
- E. Any other appropriate records;

Review and evaluation of the social, physical, and emotional characteristics by the classroom teacher, guidance counselor, superintendent or his or her designee and child study team when appropriate;

The following aspects should be considered:

- A. Attendance record;
- B. Attention span;
- C. Completion of classroom assignments;
- D. Completion of homework;
- E. Relationship with peers;
- F. Health records;

Notification of parents/guardians:

If it appears that acceleration is possible, the parent/guardian shall be notified by the superintendent or designee in writing, at whatever time in the year it is deemed feasible to do so.

Relevant records shall be reviewed by the superintendent or designee and classroom teacher(s) with the parent/guardian.

Parents/guardians shall be notified no more than two weeks after the mutual agreement between parents/guardians and school authorities of the decision to accelerate. This notification shall be in writing.

Adopted:	January 9, 2018, January 2, 2019
NJSBA Review/Update:	April 2022
Readopted:	January 4, 2023

PROMOTION/RETENTION

The board recognizes that personal, social, physical and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

The superintendent shall develop and the board shall adopt detailed regulations to govern progress of students through levels PreK-12. The regulations shall include:

- A. Standards of proficiency related to district goals and objectives and student proficiency;
- B. Standards of attendance, and provision for review of mastery;
- C. Timely efforts to help all students achieve acceptable levels of proficiency;
- D. Notification to parents and students, at appropriate times during the school year, of the student's progress in meeting the promotion and remediation standards;
- E. Immediate consultation with the student's parent or guardian if, in the teacher's judgment, there is any indication that the student's progress may not be sufficient to meet these standards;
- F. Procedures for parents/guardians and adult students to appeal promotion/retention decisions;
- G. Procedures for involving parents/guardians, teachers and students, where appropriate, to participate in the development of the policy.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all students enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

School attendance shall be a factor in the determination of a pupil's promotion or retention.

Parents/guardians will be notified whenever exceptions are contemplated in a student's normal progression from level to level. The final decision in all cases will rest with school authorities.

Adopted:	August 9, 2017, December 12, 2017
NJSBA Review/Update:	April 2022
Readopted:	January 4, 2023

Key Words

Promotion, Retention, Bilingual

Legal References: N.J.S.A. 18A:4-24
N.J.S.A. 18A:7C-2
N.J.S.A. 18A:35-4.9

Determining efficiency of schools; report to state board
Boards of education; establishment of standards
Student promotion and remediation; policies and
procedures

PROMOTION/RETENTION (continued)

<u>N.J.A.C.</u> 6A:8-4.1	Statewide assessment system
<u>N.J.A.C.</u> 6A:8-4.2	Documentation of student achievement
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

<u>Cross References:</u>	*5113	Attendance, absences and excuses
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6143	Curriculum guides
	*6145	Extracurricular activities
	*6146	Graduation requirements
	6146.1	Acceleration
	*6147	Standards of proficiency
	*6147.1	Evaluation of individual student performance
	*6171.1	Remedial instruction
	*6171.3	At-risk and Title 1

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

PROMOTION AND RETENTION

The educational program shall be designed to meet the individual academic needs of each student while providing for the mastery of certain basic skills and knowledge.

Each individual student possesses unique educational challenges and while certain basic skills and knowledge need to be mastered by all students, a difference in achievement and level of proficiency above the basic skills and knowledge is expected. Research indicates that fewer than twenty percent of the students who are retained in a grade progress better academically as a result of the second exposure to the grade or material. Therefore, any decision concerning the promotion or retention of any individual student should be made considering academic progress as well as attitude, past retentions, attendance, ability, social situation, age, parental attitude and any other factors which are known and which might have bearing on the future academic progress of the student. No student shall be retained more than once in the elementary grades.

The success of a student is enhanced by close and continuous home/school contact, especially in those cases where a student may be experiencing academic difficulties. Teaching staff members are directed to make a maximum effort to engage the parent/guardian in the planning for remedial services that may be required to foster student achievement.

Elementary

Children will attend John Fenwick School for kindergarten through grade two, usually a time span of three years. Some children may attend pre-kindergarten also, making a time span of five years. The following are general requirements for promotion at John Fenwick School.

A. Pre-Kindergarten

1. Print first name;
2. Know the eight basic colors and the eight basic shapes;
3. Recognize ten upper case letters;
4. Recognize numerals one through ten,
5. Count out ten items;

There is no pre-school retention: Pre-school and kindergarten enrollment is based on age.

B. Kindergarten

1. Knows 75% of the readiness words from Invitations to Literacy (Houghton Mifflin)

Identify 80% of alphabet, both upper/lower case;

1. Print first and last name;
2. Identify and write numbers zero through twenty;
3. Knows the concept of addition and subtraction to six on a concrete level.

C. First Grade

1. Completes all first grade reading books satisfactorily;
2. Recognize, count and write numbers one through one hundred;

3. Know addition and subtraction facts to ten;
4. Pass math by attaining a D for at least three marking periods.

D. Second Grade

1. Complete 2-second grade reading book satisfactorily concentrating on comprehension skills for each story: Main idea/details, predicting, inferring, graphic organizers;
2. Pass math by attaining a D for at least three marking periods.

Middle School Promotion Requirements

Students entering or enrolled in the Salem Middle School shall be placed at the grade level and with the instructional group for which they are best suited academically, socially and emotionally.

- A. Promotion shall be based on the successful completion of the year's work. To pass a subject a student must have a final grade of at least a "70".
- B. A student will be retained if he/she fails two academic subjects: that is, mathematics, social studies, language arts or science.
- C. A student who is absent twenty-five or more days will be considered to repeat the grade. Students who have demonstrated doctor-treated illnesses and have been on homebound instruction do not fall under this regulation.
- D. If it is determined that a student's academic progress is a concern, a possible retention conference will be held including teacher, parent(s) or legal guardian(s), guidance, and administration. This conference will be held in conjunction with the second parent conference in February. In the event the student continues failing work, a letter indicating retention is probable is sent to the parent(s) or legal guardian(s) and a conference arranged.
- E. At any time during the school year failure notices will be sent home within ten days noting a decline in academic progress.
- F. Progress reports at mid-marking period will be completed on each student and sent to the parent(s)/legal guardian(s).
- G. The Principal in consultation with the Superintendent will make final determination of the promotion/retention of a student.
- H. Students need to maintain an overall overage of at least a "78" to be eligible for any extra- curricular activities. This includes any sports, clubs, or special projects. Averaging the numerical grades of their academic subjects and the average of their "specials" will calculate a student's overall average. This will be examined at the end of the first and second marking periods.

Promotion Conferences

After the first promotion conferences have been held, appointments will be made available to parents of all students, giving them the opportunity to discuss the student's work with the teacher and principal. In the case of eighth graders, a conference is required with the parent of the student. These conferences must be completed before the end of February, thus giving the student adequate time to effect a change in his/her schoolwork.

Retention

Children who do not demonstrate adequate mastery of grade level content skills will be monitored by the classroom teacher and administration. These children should be referred to the Pupil Assistance

Committee for discussion and recommendations regarding their educational program. The Pupil Assistance Committee will recommend specific educational interventions to help children attain required skills. Interventions may include, but not be limited to, peer tutoring, Basic Skills instruction, Salem Intervention Referral (SIRS), Resource Center instruction, and referral to Child Study Team. Some children may require additional time to develop mastery of the primary skills in their grade level. In those cases, retention in the grade will be recommended. However, a child may not be retained more than once during the primary school years.

In cases of lack of skill mastery, classroom teachers will inform parents in writing at mid-year and third marking period of the possibility of retention in the grade. Parents must be aware of the grade level expectations and steps taken to help the child. Two written notifications of possible retention must be made by the close of the third marking period.

The classroom teacher and administrators will make final decisions regarding retention in grade. Parental input will be solicited and considered in making this decision. In some cases, the SIRS will be asked for input on the promotion/retention decision.

Procedures for Retention

- A. Review and evaluation of the social, physical, and emotional characteristics by the classroom teacher, guidance counselor, basic skills teacher(s), superintendent or his or her designee and the child study team when appropriate;

The following aspects should be considered:

1. Attendance record;
2. Attention span;
3. Completion of classroom assignments;
4. Completion of homework;
5. Relationship with peers;
6. Significant changes in academics and/or behavior;
7. Serious personal/family conditions or relationships;
8. Health records;

- B. Identification of those pupils who are one or more grade levels below expected performance in the areas of reading/language arts, spelling, and mathematics;

Review all academic records that would include the following:

1. Reading folders;
2. Math folders;
3. Spelling tests;
4. I.Q.;
5. Report card grades;
6. Any other appropriate records (i.e. basic skills records, child study team records, etc.);

- C. Notification of parents:

1. Guidelines indicating expected levels of achievement for promotion are disseminated to the parents/guardians at the November conferences with the teachers; the parent signs this written form and is given a copy. The original is retained by the teacher in the child's reading folder;
2. If it appears that retention is possible, the parent shall be notified by the superintendent or his or her designee prior to the completion of the second marking period (separate for kindergarten, conference will be held);
3. Relevant records shall be reviewed with the parent/guardian during parent/teacher conferences in February by the classroom teacher and, where appropriate, the basic skills teacher(s);

4. In addition to notifying parents/guardians verbally at the parent/teacher conferences in February, written notification of the child's present achievement record along with expected levels of achievement from promotion are disseminated; the parent/guardian shall sign this written form and is given a copy. The original is retained by the teacher in the child's reading folder;
5. At the end of the third quarter, if retention of a kindergarten pupil still seems likely, a second letter will be sent;
6. Directly following February conferences an analysis of each possible retainee's needs shall be done by the superintendent or his or her designee, staff, and support staff and a program of improvement is developed, such as:
 - a. Additional reading instruction;
 - b. Additional math instruction;
 - c. Provision of reinforcement materials for the parents to assist the child;
 - d. Referral to guidance counselor;
 - e. Referral to child study team, if necessary;
 - f. Periodic checks with parent by teacher to determine progress being made by the child;
7. The child's subsequent progress shall be reviewed by the teacher at parent conferences in April;
8. A form is given to the parents at the April conferences that again indicates the expected levels of achievement for promotion and the actual level of the child's current achievement; the parent signs this written form and is given a copy. The original is retained by the teacher in the child's reading folder, at this time the parent is then informed if retention is highly probable;
9. Directly following the April conferences a further review of the child's status will take place between the superintendent or his or her designee, staff, and support staff; additional services will be provided as needed;
10. Prior to the end of the school year, the superintendent or his or her designee shall meet with any parents/guardians who do not agree with the decision and/or need further explanations of why the child should be retained. The child's total record will be reviewed with them before making a final determination.
11. Parents shall be notified prior to the end of the school year by the superintendent or his or her designee in writing, of the decision to retain.

Summer School

In the event a student is eligible for retention, upon approval of the superintendent or his or her designee, a state-approved summer school program or an appropriate course of study delivered by a properly certified teacher may be undertaken by a student in order to satisfy the requirements of the failed course(s).

Guidelines for an approved course of study are as follows:

- A. A student must demonstrate proficiency (75% or better) on all major topics/units of the course as measured by tests, quizzes, class work and homework given;
- B. A time-line of at least one (1) hour per day for (6) weeks or its equivalent (30 hours) spent in instruction. A log of same will be required to be submitted to the superintendent or his or her designee;
- C. A final test, taken under the supervision of the superintendent or his or her designee, must be given.

Adopted:	August 9, 2017, December 12, 2018
NJSBA Review/Update:	April 2022
Readopted:	January 4, 2023

Policy

STANDARDS OF PROFICIENCY

The superintendent, in consultation with teaching staff, shall develop criteria for evaluation, indicators of achievement of the criteria, and acceptable standards of achievement for all grade levels, courses and programs offered by the district. The criteria, indicators and standards must be related to district goals and objectives. Parents/guardians shall be notified in a timely manner whenever their child appears in danger of failing to meet required proficiency levels. Parents/guardians shall be strongly encouraged to participate in designing remedial plans for their children.

These standards of proficiency shall include but not be limited to those New Jersey Student Learning Standards identified by the State Department of Education and shall form the basis for the district's grading system. The specific indicators of achievement and standards of proficiency developed for all courses and programs accepted for credit toward high school graduation shall be given to students and parents/guardians, in writing, at the time the student registers for the course.

By the date required by law, the superintendent shall annually report to the board and the community at a regularly scheduled meeting an evaluation of student achievement toward meeting district and school goals and objectives.

The superintendent shall consider additional factors contributing to student achievement such as indicators of student and educator engagement, school climate and/or safety. The superintendent may consult with the appropriate staff member in the development and assessment of indicators of engagement, school climate and/or safety, such as teaching staff, the affirmative action officer and the anti-bullying coordinator and/or specialist.

The Salem City Board of Education shall administer the applicable Statewide assessments, including the six major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the Department of Education approved statewide proficiency assessment, alternative high school assessment and the alternate proficiency assessment for students with severe cognitive disabilities. The Statewide assessments shall be administered according to a schedule prescribed by the Commissioner.

All district high school English language learners (ELLs) shall satisfy both state and district requirements for graduation, except that any English language learners may demonstrate attainment of State minimum levels of proficiency through passage of a state approved alternative high school assessment in his/her native language and an English fluency assessment approved by the Department of Education or passage of the Department of Education approved alternative high school proficiency assessment process in English with appropriate accommodations.

Through the individualized education program (IEP) process the board may specify alternative requirements for a state-endorsed diploma for individual students with disabilities.

Low student achievement shall be regarded by the board as an indication that revisions are needed in educational programming, general strategy, staff resource use, staff evaluation, and/or other aspects of the learning program.

Adopted: February 14, 2005, June 8, 2011, November 12, 2014, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

STANDARDS OF PROFICIENCY (continued)Key Words

Proficiencies, Standards of Proficiency

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:7C-1	Commissioner of Education to develop a program of standards and guidelines
<u>N.J.S.A.</u> 18A:7C-2	Establishment of standards for graduation from secondary schools for graduation from secondary schools
<u>N.J.S.A.</u> 18A:7E-2 through -5	School report card program
<u>N.J.S.A.</u> 18A:7F-46	Review, update of the New Jersey Student Learning Standards; Educational Adequacy Report
<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:8-1.1, -1.3,-2.1, -4.1, -4.4, -5.1	
<u>N.J.A.C.</u> 6A:14-4.10,11	Statewide assessment
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:15-1.11	
<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-2.1	Definitions
<u>N.J.A.C.</u> 6A:32-12.1 <u>et seq.</u>	Student Behavior
<u>Abbott v. Burke</u> , 149 <u>N.J.</u> 145 (1997) (Abbott IV)	
<u>Abbott v. Burke</u> , 153 <u>N.J.</u> 480 (1998) (Abbott V)	
<u>Abbott v. Burke</u> , 163 <u>N.J.</u> 95 (2000) (Abbott VI)	
<u>Every Student Succeeds Act</u> , <u>Pub. L.</u> 114-95., 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	

Possible

<u>Cross References:</u> *1120	Board of education meetings
*5113	Attendance, absences and excuses
*5120	Assessment of individual needs
*5124	Reporting to parents/guardians
*5125	Student records
6000	Concepts and roles in instruction
*6010	Goals and objectives
*6140	Curriculum adoption
*6141	Curriculum design/development
*6146	Graduation requirements
*6146.2	Promotion/retention
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6300	Evaluation of the instructional program

STANDARDS OF PROFICIENCY (continued)

*Indicates policy is included in the Critical Policy Reference Manual.

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE

Grading

The superintendent, in consultation with the teaching staff, shall develop a marking system to be used uniformly in the same grade level throughout the schools. The system should be clear, easily understood by parents/guardians and students, and able to be applied with consistency of interpretation. Computation of grade-point average and rank in class shall be uniform throughout the district. Evaluation and grading symbols shall be intended to appraise the student's progress toward established goals and shall be a factor in promotion/graduation decisions.

The board encourages the certified staff, under the direction of the superintendent, to employ a comprehensive approach to the use of appraisal and evaluative techniques in monitoring student progress, including, but not limited to, written and oral teacher-made tests, performance observation, parent/guardian interviews, formal and informal evaluation techniques, use of cumulative student records, and medical examinations. Recognized standardized achievement tests may also be used in grades designated by the board.

The superintendent shall have the right to review disputed grades and with board approval to adjust them.

Testing

In addition to testing procedures established in policy 5120 Assessment of Individual Needs, the school district shall establish and maintain a general testing program to:

- A. Improve the instructional program to assist students in achieving the New Jersey Student Learning Standards;
- B. Measure the needs and progress of individual students;
- C. Measure the achievement of grade levels;
- D. Allow comparison of district students with national or other norms;
- E. Aid in evaluation of programs.

The district testing program shall embody at least the tests required by state and federal law. The administration shall continually scrutinize the applicability and effectiveness of tests being used in the district.

School personnel shall not use tests, procedures or other guidance and counseling materials that are differentiated or stereotyped on the basis of race, color, creed, religion, gender, gender identity or expression, affectional or sexual orientation, ancestry, national origin, nationality, disability, marital status, familial status, pregnancy or social or economic status.

Any requests for surveys, student observations, or student questionnaires must be forwarded through the principal's office to the superintendent's office for approval before any survey or observation can be conducted. If the survey concerns any of the topics described in statute, the superintendent shall obtain written consent from parents/guardians or the students being surveyed at least two weeks prior to its administration.

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

Individual results of standardized tests, including intelligence tests, shall be made available to parents/guardians upon their request, but shall be considered confidential information to be available only to authorized persons. School and district test results shall be discussed in a public meeting.

Determining Class Rank

The superintendent shall develop procedures for determining class ranking that take into account:

- A. Records of transfer students;
- B. Honors and advanced courses.

Adopted: November 17, 1988, Jan. 12, 1989, June 12, 2002, Jan. 9, 2008,
Page 1 of 5 October 11, 2017, March 13, 2019, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Evaluation, Student Evaluation, Student Evaluation, Class Rank, Grading, Testing, Examinations

Legal References: N.J.S.A. 18A:7C-3, -4, -6, -6.2 Remedial instruction for students not meeting graduation standards
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:35-4.9 Student promotion and remediation, policies and procedures
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:7-1.7 Equality in school and classroom practice
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessments
See particularly:
N.J.A.C. 6A:8-1.3, -4.1, -5.1
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-2.1 Definitions
N.J.A.C. 6A:32-7.1 Student Records

34 CFR 98 - Protection of Student Rights

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
*1120 Board of education meetings
*5113 Attendance, absences and excuses
*5120 Assessment of individual needs
*5124 Reporting to parents/guardians
*5125 Student records
*5141.3 Health examinations and immunizations
*6142.6 Basic skills

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CLASS SIZE

The superintendent shall recommend for board approval the number of class sections for each course or grade level. He/she shall take into consideration such factors as student needs, curriculum requirements, types of instructional setting, district finances and space or equipment limitations.

Particular attention shall be paid to space-per-student requirements of the State Department of Education.

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: April 2022
Readopted: January 4, 2023

Key Words

Class Size, Space-per-student Requirements

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-2.1	Authority for educational goals and standards
	<u>N.J.A.C.</u> 6A:14-4.7	Program criteria: special class programs, secondary and vocational rehabilitation
	<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:26-2.1 <u>et seq.</u>	Long-Range Facilities Plans
	<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
	<u>N.J.A.C.</u> 6A:32-8.3	School attendance

Possible

<u>Cross References:</u>	3240	Tuition income
	*5118	Nonresidents
	*5120	Assessment of individual needs
	*5145.4	Equal educational opportunity
	6150	Instructional arrangements
	*6171.4	Special education
	*7110	Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

FIELD TRIPS

The Salem City Board of Education recognizes that field trips, used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the school.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

The board of education shall consider field trips which are included in curriculum guides to have been approved in advance. All trips not listed in the curriculum guide must be individually approved by the board. Times and locations of field trips shall not be posted on any district web sites.

When field trips and excursions are to be arranged, the following guidelines apply:

- A. All trips, and the arrangements for them, must have advance approval. This includes whether district buses will be used; whether these may be supplemented by private vehicles; the route to be followed; and parking arrangements if necessary;
- B. Costs must be ascertained;
- C. Each child who goes on a field trip or excursion must have written parental permission;
- D. Student safety must be of prime concern, and adequate supervision must be provided by staff aided by other adult chaperones if necessary;
- E. All trips must be well planned, properly timed, and related to regular learning activities, or to district goals and objectives; and
- F. Each field trip should be evaluated by students, teachers, and the administration.

The board shall bear all expenses of field trips included in the curriculum guides. Parents/guardians shall be asked to bear the expense of all other excursions. No student is to be denied the right to participate because of inability to pay.

The superintendent shall develop guidelines for planning trips suitable to the various grade levels, and regulations governing frequency, distance and expense.

The board does not endorse, support or assume liability in any way for any staff member of this district who takes students on trips not approved by the board. No staff member may solicit students of this district for such trips within the facilities or on the school grounds of this district without board permission.

Student Self-Administration of Medication

The board shall permit self-administration of medication on field trips for asthma or other potentially life-threatening illness by students provided that the Board has received:

1. written authorization from the pupil's parent(s)/guardian(s) for self-administration;
2. written certification from the pupil's doctor that the pupil has a such a medical condition

FIELD TRIPS (continued)

- and can self-administer medication(s);
3. written waiver of liability from the parent(s)/guardian(s) for injury from self-administration of medication(s); and
 4. letter from the parent(s)/guardian(s) indicating that the parent(s)/guardian(s) will indemnify and hold harmless the district and its employees from any claim(s) arising out of the self-administration of medication(s).

Epinephrine shall be administered via epi-pen to students in emergencies on field trips by the school nurse, his/her designee(s), the student's parent/guardian or the student himself/herself, in accordance with policy 5141.21 Administering Medication.

Adopted: November 17, 1988, June 12, 2002, January 9, 2008, January 2, 2019
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

Field Trips, Trips

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:25-2	Authority over students
	<u>N.J.S.A.</u> 18A:36-21 through -23	Field trips; costs to be borne by parents or guardians ...
	<u>N.J.S.A.</u> 18A:36-35	School Internet web sites; disclosure of certain student information prohibited
	<u>N.J.S.A.</u> 18A:39-20.1	Transportation to and from related school activities in private vehicle with capacity of eight or less; authorization of qualified school personnel, state employees or parents
	<u>N.J.S.A.</u> 18A:40-12.3 through -12.4	Self-administration of medication by students; conditions ...
	<u>N.J.S.A.</u> 18A:40-12.5	Policy for emergency administration of epinephrine to public school students
	<u>N.J.S.A.</u> 18A:40-12.6	Administration of epinephrine; primary responsibility; parental consent
	<u>N.J.A.C.</u> 6A:27-1.1 <u>et seq.</u>	Student transportation
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:27-1.1(b), -7.6, -11.1, -11.2	
	<u>Rhodes v. Caldwell Board of Education</u> , 1981 <u>S.L.D.</u> 140	

Possible

<u>Cross References:</u>	1210	Community organizations
	*1230	School-connected organizations
	*3450	Money in school buildings
	*3541.31	Privately owned vehicles
	*5020	Role of parents/guardians
	*5136	Fund-raising activities
	*5141.21	Administering medication
	*6145	Extracurricular activities
	*6154	Homework/makeup work

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

FIELD TRIPS

Educational field trips shall be planned and conducted in accordance with the following guidelines:

- A. All trips, and the arrangements/specific itineraries for them, must have advanced approval. The Superintendent of Schools shall review and approve all trips prior to submitting the request to the Salem City Board of Education for final approval.
- B. A parental permission slip is required for each child participating in the field trip, including walking excursions. Permission slips shall be forwarded to the school office along with a list of chaperones at least one (1) week prior to the field trip. A final student list and chaperone list must be provided to the school office.
- C. The teacher will provide the parents with information concerning the purpose and destination of the trip, transportation and eating arrangements, date and time of departure, estimated time of return and if the trip will extend beyond the school day, a detailed itinerary.
- D. The Salem City Board of Education may assume all transportation costs for the field trip. Participating students shall provide the cost of admission, fees, etc., subject to the protective limitations for special education and financial hardship students, pursuant to N.J.S.A. 18A:36-21 and N.J.S.A. 18A:36-23.
- E. One or more adults in addition to the teacher will accompany each class on field trips unless otherwise approved by the Superintendent of Schools. Teachers are responsible for informing accompanying adults of their duties and responsibilities. (See Guidelines of Chaperones – Policy 6153.1)
- F. The teacher will review acceptable standards of conduct with the students in advance of the trip. The teacher has primary responsibility for the conduct of the children. Children who cannot be self-controlled or teacher controlled may be excluded from the trip.
- G. The teacher planning the trip will be responsible for arranging an appropriate educational experience and supervisions for the students who do not participate in the field trip.
- H. Students' safety will be a primary consideration. First-aid kits will be provided by the school nurse for all field trips.
- I. The buddy system, or partners, is recommended to assure constant awareness of each child's whereabouts, needs and participation.
- J. Should an emergency situation occur, the teacher is responsible for notifying the Superintendent of Schools or designee by telephone as soon as possible. A school issued cell phone will be provided for this purpose.
- K. Commercial carriers such as charter buses are to be used at the discretion of the Salem City Board of Education.
- L. Arrangements for buses are to be made through the school office at least 1 month in advance of the trip. Should commercial carriers be used, 2 months prior notice will be required.

- M. If children return to the school from a trip after school hours, the teacher and administrator shall make arrangements for their safe departure home, taking into account the age of the students and the hour.

Guidelines for Chaperones

Although all chaperones are responsible for supervising and controlling the behavior of students in their charge, no discipline should be administered to any student by anyone other than the teachers who are in charge. Any misbehavior observed by a volunteer chaperone should be controlled to the extent safely possible, then reported to the teacher as soon as possible.

Expenses for chaperones are not usually included in the cost of the trip, so chaperones must pay their own way. Chaperones are to provide their own lunches.

In addition, all chaperones will agree to the following guidelines:

- A. Chaperones may not bring other children who are not members of the group taking the trip.
- B. Chaperones may travel in their own cars with prior approval from the Superintendent.
- C. Chaperones may not transport students in their own cars. Unless there is an emergency, i.e., sick child, and administration approval has been granted. Any vehicle used to transport pupils shall be properly insured as required by law. In the event that an Administrator cannot be reached in a timely manner, the teacher in charge may grant this approval and inform the school Administration as soon as possible of the situation.
- D. Chaperones shall not smoke in front of students and shall not smoke in the vehicle used to transport pupils during the time that the vehicle is being used for the field trip, regardless of whether pupils are present in the vehicle or not.
- E. Alcoholic beverages and drugs are strictly forbidden.
- F. Chaperones shall stay with their assigned group of students at all times.
- G. Chaperones who desire to take their children home before a field trip ends must submit the request in writing to the teacher in advance of the trip. The superintendent will determine if the request will be honored or denied. The board assumes no liability for students who are "dismissed early" from the field trip and transported by his/her parents/guardians in private cars.
- H. Chaperones are to remain at the school upon return until all students have safely departed the premises unless released by the supervising teacher.
- I. Chaperones must follow a standard of ethics regarding the confidentiality of information that might be learned while supervising children.
- J. Chaperones will not bring friends or family members on the field trip nor will they arrange to meet anyone at the destination of the field trip.
- K. Chaperones must comply with all requests and directions of the teachers and professional staff.
- L. Chaperones may use cell phones and pagers in emergencies only.

HOMEWORK/MAKEUP WORK

The Salem City Board of Education believes that homework relevant to material presented in class provides an opportunity to broaden, deepen or reinforce the student's knowledge. Teachers must use discretion in deciding the number and length of assignments. The board encourages the use of interrelated major homework assignments such as term papers, themes and creative art projects.

Homework shall not be used for punitive reasons.

The type, frequency and quantity of homework assignments should be determined by the needs of the individual student and should not require additional instruction beyond class period, thereby requiring parents to supplement instruction. Homework should be an application, interpretation or adaptation of a classroom experience and not excessive in quantity.

Students absent for any reason must make up assignments, classwork and tests within a reasonable length of time. In most cases, a reasonable length of time shall be the same number of school days as the days missed.

Students being excused for any reason must make arrangements with the teacher of the missed classes in order to make up the work missed. This must be done before the absence from class.

Incompletes

When a student does not complete work missed for absence or other reasons, he/she will receive an "incomplete" for the marking period. Students will be given seven school days following the end of the marking period to make up the missed work.

If work critical to the student's understanding of the subject is not made up by the end of the next marking period, the grade for that subject area may be an "F."

If work is missing during the final marking period of the school year, the grade will be left to the discretion of the teacher. The teacher who has given an incomplete is responsible for reporting to the student the work missed and citing the consequences mentioned above.

Assignments prior to the start of the school year

When teachers assign or recommend reading materials or other projects over the summer in preparation for the school year, parents/guardians are urged to cooperate and support the efforts of the teachers making the assignment or recommendation, as these assignments or recommendations are made for the benefit of the students of the district.

In all cases, when students do complete any assignments given prior to the beginning of the school year, the student may be given academic credit or extra credit for any work completed. The superintendent or designee shall be responsible for reviewing any assignments made prior to the school year and ensuring that proper academic credit is given to students who complete them.

Adopted:	June 12, 2002, January 9, 2008, January 2, 2019
NJSBA Review/Update:	May 2022
Readopted:	January 4, 2023

HOMEWORK/MAKEUP WORK (continued)

Key Words

Homework, Makeup Work

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
 N.J.S.A. 18A:36-14 Religious holidays; absence of students on; effect
 N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
 N.J.A.C. 6A:32-10.1 et seq. Summer School Sessions

Possible

Cross References: 1320 Participation in out of school community activities
 *1322 Contests for students
 *5020 Role of parents/guardians
 *5113 Attendance, absences and excuses
 *5124 Reporting to parents/guardians
 *6145 Extracurricular activities
 *6153 Field trips
 6174 Summer school

*Indicates policy is included in the Critical Policy Reference Manual.

INSTRUCTIONAL PLANNING/SCHEDULING

The superintendent and staff shall keep abreast of developing technologies and teaching methodologies, investigating those likely to be of benefit to district students, and recommending them for board consideration.

The Salem City Board of Education recognizes that district students vary in learning styles and in ability. Therefore, the superintendent shall ensure that teaching staff adapt their instructional methods and arrangements to meet identified student needs and encourage maximum individual progress.

The superintendent shall ensure that district personnel, time and facilities are used in such a way as to provide the most favorable learning environment for all students, thus fostering achievement of district goals, objectives and standards.

Because the board believes that students can learn better and faster when the skills learned in one discipline are integrated into another, programs, projects and units of study shall be encouraged that require the use of reading, writing and mathematics skills in conjunction with other areas of study, such as music, art, science, etc. The board also encourages programs that call on various skill levels of several grades in one discipline, such as musical presentations, science fairs, and other similar efforts.

Every effort should be made to further district affirmative action/equity goals in developing instructional arrangements.

The board directs that instruction be planned and scheduled in such a way that there is minimum disruption of the school day, including movement between classes and conflicting activities.

Nonpublic School Students

Required instructional services shall be delivered to nonpublic school students in facilities that are acceptable and convenient to staff and students.

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: May 2019
Readopted: January 4, 2023

Key Words

Instructional Planning, Instructional Scheduling, Scheduling

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:46-19.5	Services to students in nonpublic schools
	<u>N.J.S.A.</u> 18A:46A-5	Consent of parent or guardian; location
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessments
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
	<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

INSTRUCTIONAL PLANNING/SCHEDULING (continued)**Possible**

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4113/4213	Assignment; transfer
	*5145.4	Equal educational opportunity
	*5200	Nonpublic school students
	*6010	Goals and objectives
	6130	Organizational plan
	6141.4	Independent study
	*6142.2	English as a second language; bilingual/bicultural
	*6151	Class size
	6152	Grouping
	*6171.2	Gifted and talented
	*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

INSTRUCTIONAL SERVICES AND RESOURCES

The Salem City Board of Education believes that personnel and materials appropriate to the needs of the school program must be available to each student and teacher.

To be in compliance with the requirements of federal law, the board of education directs the superintendent to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence of such materials is ensured among the schools. Staff assignments shall comply with this directive.

When a school fails to achieve adequate yearly progress as defined by the state for two consecutive years, all provisions in federal law shall be followed.

The board will endeavor to provide the supportive resources and personnel necessary for teachers to implement the approved curriculum in their classrooms and work effectively with children.

It will be the administration's responsibility to set up and maintain such central services for curriculum materials, including audiovisual materials, as are needed and appropriate channels through which teachers and students will be supplied with these resources.

Instructional materials (print or software, including videos) shall be chosen for the values of interest and enlightenment of all students in the community. Every effort will be made to provide materials that present all points of view concerning the problems and issues of our time, international national, and local. In addition, there will be a media resource center and media specialist to offer children instruction and teachers assistance in selecting and using learning resources.

Adopted: June 12, 2022, January 8, 2008, January 2, 2019
NJSBA Review/Update: May 2022
Readopted: January 4, 2023

Key Words

Instructional Services, Instructional Resources

Legal References: N.J.S.A. 18A:34-1 Textbooks; selection; furnish free with supplies; appropriations
N.J.A.C. 6A:7-1.4 et seq. Responsibilities of the district board of education
N.J.A.C. 6A:8-2.1 Authority for educational goals and standards
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *3220/3230 State funds; federal funds
*4113/4213 Assignment; transfer
*5145.4 Equal educational opportunity
*6121 Nondiscrimination/affirmative action
*6141 Curriculum design/development
*6142.2 English as a second language; bilingual/bicultural

INSTRUCTIONAL SERVICES AND RESOURCES (continued)

- *6161.1 Guidelines for evaluation and selection of instructional materials
- *6171.3 At-risk and Title 1
- *6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

GUIDELINES FOR EVALUATION AND SELECTION OF INSTRUCTIONAL MATERIALS

The Salem City Board of Education believes that textbooks should support and enrich the curriculum and make possible the achievement of the district's instructional goals. The superintendent shall develop procedures for continual review of new texts being offered and evaluation of those already in use to ensure that the textbooks used in this district are up to date in the factual matter they present and further the district's instructional goals. Textbooks and instructional materials should be judged by additional standards which shall include, but not be limited to:

- A. Does the material reflect the district's affirmative action/equity policy, which prohibits the teaching or encouragement of bias based on any categories listed in law or board policy?
- B. Does it help students develop abilities in critical reading and thinking?
- C. Does it provide effective basic or advanced education for the students for whom it is intended?

The review process shall:

- A. Be conducted by teaching staff members, particularly those teachers who will be using the materials as an integral part of the instructional program;
- B. Include a written review of the material which shall reflect the consensus of the teaching staff;
- C. Provide an opportunity for public inspection of the recommended text.

When adopting instructional materials for use in the schools, the board shall adopt inclusive instructional materials that portray the cultural and economic diversity of society including the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, where appropriate.

The superintendent shall develop administrative rules outlining a procedure for the selection of instructional materials that meets the above criteria. Instructional materials used within the district should be sufficient in quantity and scope to meet the needs of every student in the district.

The board, by law, makes the final textbook selection decision. However, prior to final adoption, the recommendations resulting from each review will be given thorough consideration.

Any citizen who objects to the final selections made by the board should follow the procedures outlined in board policy 6161.2 Complaints Regarding Instructional Materials.

Animal Dissection

Animal dissection is not required and alternative education to be provided:

The board, by law, will allow students to refuse to participate in animal dissection.

- A. The board will offer an alternate education program for a course or portion of a course involving dissection of animals;

**GUIDELINES FOR EVALUATION AND SELECTION
OF INSTRUCTIONAL MATERIALS** (continued)

- B. A public school student from kindergarten through grade 12 may refuse to dissect, vivisect, incubate, capture or otherwise harm or destroy animals or any parts thereof as part of a course of instruction:
1. "Alternative education project" means the use of video tapes, models, films, books, computers, or any other tools which provide an alternative method for obtaining and testing the knowledge, information, or experience required by a course of study.
 2. "Animal" means any living organism that is an invertebrate, or is in the phylum chordata or organisms which have a notochord and includes an animal's cadaver or severed parts of an animal's cadaver.
- C. The school shall notify students and their parents or guardians at the beginning of each school year of the right to decline to participate in the activities enumerated in "A" of this section and shall authorize parents or guardians to assert the right of their children to refuse to participate in these activities. Within two weeks of the receipt of the notice, the students, parents or guardians shall notify the school if the right to decline participation in the enumerated activities will be exercised;
- D. Any student who chooses to refrain from participation in or observation of a portion of a course of instruction in accordance with this section shall be offered an alternative education project for the purpose of providing the student with the factual knowledge, information or experience required by the course of study. A student may refuse to participate in an alternative education project which involves or necessitates any harmful use of an animal, or animal parts;
- E. A student shall not be discriminated against, in grading or in any other manner, based upon a decision to exercise the rights afforded pursuant to this act.

Adopted: January 9, 2008, January 2, 2019
 NJSBA Review/Update: May 2022
 Readopted: January 4, 2023

Key Words

Evaluation, Instructional Materials, Selection of Instructional Materials, Evaluation of Instructional Materials

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:4-25	Prescribing minimum courses of study for public schools; approval of courses of study
<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:34-1	Textbooks; selection; furnished free with supplies; appropriations
<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and Courses
<u>N.J.S.A.</u> 18A:35-4.25	Districts to provide an alternate to dissection
<u>N.J.S.A.</u> 18A:35-4.35	History of disabled and LGBT persons included in middle and high school curriculum
<u>N.J.S.A.</u> 18A:35-4.36	Policies, procedures pertaining to inclusive instructional materials
<u>N.J.A.C.</u> 6A:7-1.4	Responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:23A-20.4 <u>et seq.</u>	Ownership and storage of textbooks
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, State Department of Education

GUIDELINES FOR EVALUATION AND SELECTION
OF INSTRUCTIONAL MATERIALS (continued)

Possible

<u>Cross References:</u>	*1312	Community complaints and inquiries
	*2224	Nondiscrimination/affirmative action
	*5145.4	Equal educational opportunity
	6000	Concepts and roles in instruction
	*6010	Goals and objectives
	*6121	Nondiscrimination/affirmative action
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6142.1	Family life education
	*6144	Controversial issues
	*6161.2	Complaints regarding instructional materials
	*6163.1	Media center/library

*Indicates policy is included in the Critical Policy Reference Manual.

COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS

The Salem City Board of Education recognizes that opinions may differ on the appropriateness of any given instructional materials and equipment. Occasionally an individual or group may find instructional materials used in the schools that conflict with their views. Any resident of this district shall have the right to present a request, suggestion or complaint in reference to the physical plant, playgrounds, subject matter or instructional materials.

The superintendent shall develop procedures to give careful consideration to such requests, suggestions or complaints. These procedures shall provide that:

- A. All such requests, suggestions or complaints shall be submitted in writing;
- B. Whenever possible the process be initiated and solved at the lowest effective level;
- C. District response is courteous and prompt;
- D. Successive steps of appeal and mechanisms for review are available when necessary.

The use of challenged materials or equipment by class or school shall not be restricted until a final decision has been reached.

The final decision on controversial reading matter shall rest with the board after careful examination and discussion of the book or reading matter with school officials or others the board may wish to involve.

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: May 2022
Readopted: January 4, 2023

Key Words

Instructional Materials, Complaints Regarding Instructional Materials, Complaints, Censorship

Legal Reference: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

Possible

Cross References: *1312 Community complaints and inquiries
2220 Representative and deliberative groups
*6144 Controversial issues
*6161.1 Guidelines for evaluation and selection of instructional materials

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS

Procedures

The mechanism for the review, appeal and repeal of decisions will be as follows:

Any person who questions the presence of any instructional materials being used in the district shall first discuss the challenged material with the superintendent. The challenged material shall remain in use unless and until the superintendent directs its removal. If the complainant is not satisfied with the results of the discussion, the complainant must be advised to the following procedures:

- A. All questions regarding materials shall be submitted to the Superintendent of Schools in writing. The superintendent shall send copies of the statement to the Business Administrator, who will forward copies to the President of the Salem City Board of Education.
- B. The author, title and publisher, if known, of the challenged material shall be stated in the complaint. The complainant must state whether he/she objects to only part of the material or all of the material. He/she must also state why he/she objects to the indicated inclusions.
- C. The complainant's signature and local address and telephone number must appear on the communication. If the complainant is representing an organization, the entire name of the organization along with the local address and telephone number of the organization must be listed.

The superintendent and other designated staff members shall constitute a committee of review. The challenged material shall immediately be objectively reviewed. After thorough consideration, the committee of review shall submit a recommendation to the Salem City Board of Education. This recommendation should include a solution and supporting information. The board will then consider the material, the committee's report and any other factors they deem pertinent and reach a decision on the challenge. That decision shall be made in writing and will be communicated to the complainant and made a part of the board's minutes.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6162.4

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

Policy

COMMUNITY RESOURCES

The Salem City board of education will draw on the knowledge and opinions of the community in developing mandated policies and programs in compliance with statute and administrative code, and to aid in meeting the district's identified needs.

The board of education encourages local businesses and individual residents who are especially qualified because of training, experience or interest to take an active part in the district's educational programs. Those persons and representatives of businesses identified by the superintendent and the staff and approved by the board may be invited to act as advisors in groups or individually in appropriate circumstances and situations.

The district shall also take advantage of the physical and financial resources of the community and of organizations including businesses when such facilities or locations provide learning and enrichment opportunities not otherwise available to our students. Student safety shall be a primary concern in making use of such resources.

In accordance with law, the administration shall identify and establish working relationships with licensed community agencies that are involved in evaluation and treatment of drug/alcohol problems.

The board encourages the use of consultants when it is clear that they can provide valuable and necessary specialized services. The board must approve the program, or project, as well as consultant fees before entering into any contractual obligation or encumbering any expenditure.

Adopted: January 9, 2008, January 2, 2019
NJSBA Review/Update: May 2022
Readopted: January 4, 2023

Key Words

Community Resources, Resources, Volunteers

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-1.1 et seq. Programs to support student development
See particularly:
N.J.A.C. 6A:16-4.1,-4.2
N.J.A.C. 6A:30-1.1et seq. Evaluation of the performance of school districts

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
1210 Community organizations
*1220 Ad hoc advisory committees
*1410 Local units
*1600 Relations between other entities and the district
*3280 Gifts, grants and bequests
*4222 Noninstructional aides
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*6142.1 Family life education

COMMUNITY RESOURCES (continued)

*6142.2	English as a second language; bilingual/bicultural
*6142.13	HIV prevention education
*6153	Field trips
6164.6	Tutoring
*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
9420	Recognition of individuals--citizens, students, staff members or members of board

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

RESEARCH

The Salem City Board of Education recognizes that educational research can be a valuable tool in identifying and applying strategies to enhance student achievement and in identifying factors that could prevent students from becoming contributing members of society. Surveys among student populations can be an important part of this research.

Students and parents/guardians retain certain rights, however, in the administration of surveys. The board shall ensure a copy of the survey is available for viewing and that prior written consent is obtained from parents/guardians or emancipated students before any survey is administered in whole or in part by any state or federal source, if the survey (analysis or evaluation) is designed to reveal information on any of the following:

- A. Political affiliations or beliefs of the student or the student's parents/guardians;
- B. Mental and psychological problems of the student or the student's family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers;
- G. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
- H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
- I. Social security number.

Parents/guardians shall be given the opportunity to inspect any survey, analysis or evaluation that solicits information in any of the above areas, including surveys funded by other than state or federal sources. If parents/guardians object to their child(ren)'s participation in a survey regarding the above matters, the child(ren) shall be allowed to opt out. The superintendent shall adopt regulation to protect the confidentiality of all survey respondents.

Prior approval of the superintendent is required for all other surveys on topics not listed. Anyone seeking approval of a proposed survey must provide the superintendent with details of the survey methodology, its specific educational purpose and a description of how results will be disseminated and applied.

The superintendent shall develop regulations to implement this policy that include reasonable timelines for parents/guardians to access and review surveys as prescribed by law, and arrangements to protect student privacy in the administration of a survey.

This policy and the regulations shall be made available to the public at least annually at the beginning of the school year, especially to parents/guardians and to district staff. The public shall be informed within a reasonable period of time if substantive change is made to policy and regulations. The public shall also be informed of specific or approximate dates, if known, when surveys may be administered.

RESEARCH (continued)Parent/Guardian Notification

Annual parental/guardian notice shall include an opportunity for the parent/guardian to opt the student out of the following activities:

- A. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
- B. The administration of any third party (non-Department of Education funded) survey containing one or more of the above described nine items of information.

Adopted: January 9, 2008, January 2, 2019
 NJSBA Review/Update: May 2022
 Readopted: January 4, 2023

Key Words

Student Privacy, Research, Surveys

Legal References: N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students

20 U.S.C.A. 1232g – Family Educational Rights and Privacy Act

20 U.S.C.A. 1232h – Protection of Student Rights Amendment

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

In re: Application of Charles V. Reilly, Robert A. Hutton and Sean Reilly to Contest the Validity of the Enactment of Assembly Bill 3359 (P.L. 2001, c. 364), Superior Court of New Jersey, Appellate Division, Docket No. A-0163-02T2, 2003 N.J. Super. Lexis 376

Possible

Cross References:

*1140	Distribution of materials by students and staff
1315	Distribution of materials to students and staff
4132	Publications/materials
*5020	Role of parents/guardians
*5124	Reporting to parents/guardians
*5125	Student records
*5141.3	Health examinations and immunizations
*6147.1	Evaluation of individual student performance

*Indicates policy is included in the Critical Policy Reference Manual.

MEDIA CENTER/LIBRARY

The primary objective of the district's media centers is to implement, enrich and support the educational program of the schools and to provide a wide range of materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view.

To this end, the Salem City Board of Education reaffirms the objectives of the American Association of School Librarians and the department of audio-visual instruction and asserts that the responsibility of the school Media Center/Library is:

- A. To provide materials that will enrich and support the curriculum, taking into consideration the varied interests and maturity levels of the students served;
- B. To provide materials that will stimulate growth in factual knowledge, library/media center appreciation, aesthetic values and ethical standards;
- C. To provide materials on opposing sides of controversial issues so that young citizens may develop the practice of critical analysis of all media;
- D. To provide materials representative of the many religious, ethnic and cultural groups and their contributions to our American heritage;
- E. To place principle above opinion and reason above prejudice in the selection of materials of the highest quality in order to ensure a comprehensive collection appropriate for the users of the library/media center.

The district's media centers shall contain a wide range of materials on all levels of difficulty, appealing to diverse tastes, and presenting different points of view. Every student shall have access to a media collection containing materials appropriate to age level, interests and courses of study. Library/media services connected to classroom studies shall be provided in each school. These services shall include access to computers, approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research. Library/media services shall be provided under the direction of a certified school library media specialist.

The superintendent has final responsibility for the selection of media center materials by professionally trained personnel including media specialists, teachers, principals and supervisors. Requests from faculty and students shall be given consideration.

In selecting materials to recommend for purchase, the media specialist shall evaluate the existing collection and consult reputable, unbiased, professionally prepared selection aids, and specialists from all departments and/or all grade levels.

In addition to standard book materials, the board shall provide for the use of a wide variety of audiovisual materials and equipment to enhance the curriculum.

The media centers shall offer a continuous program of instruction in library and study skills, preparing students for independent use of learning resources and for development of reading, listening and viewing abilities and tastes.

The superintendent shall develop and present for board approval a media center/library program to provide

MEDIA CENTER/LIBRARY (continued)

necessary space, personnel and material to implement this policy.

Adopted: July 14, 1975, February 14, 1996, January 9, 2008, September 9, 2015,
January 2, 2019
NJSBA Review/Update: May 2022
Readopted: January 4, 2023

Key Words

Library, Media Center, Audiovisual Materials

Legal References: N.J.A.C. 6A:9B-14.14 School library media specialist
N.J.A.C. 6A:9B-14.15 Associate school library media specialist
N.J.A.C. 6A:13-2.1 Standards-based instructional priorities

47 U.S.C. 254(h) Children's Internet Protection Act

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

Possible

Cross References: *1312 Community complaints and inquiries
*6161.1 Guidelines for evaluation and selection of instructional materials
*6161.2 Complaints regarding instructional materials

*Indicates policy is included in the Critical Policy.

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION STUDENTS

The Salem City Board of Education shall provide a program of intervention and referral services for general education students who are experiencing personal, interpersonal or academic difficulties to help them function productively and develop positively in the classroom environment.

The superintendent shall prepare procedures to:

- A. Identify learning, behavior and health difficulties of students;
- B. Collect thorough information on the identified learning, behavior and health difficulties;
- C. Identify the roles and responsibilities of the building staff who participate in planning and providing intervention and referral plan and services;
- D. Develop and implement action plans which provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior and health difficulties;
- E. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties and refer students to school staff who participate in planning and providing intervention and referral services;
- F. Actively involve parents/guardians in the development and implementation of intervention and referral plans;
- G. Coordinate the access to and delivery of school resources and services for achieving the outcomes identified in the intervention and referral services action plan;
- H. Coordinate the services of community-based social and health provider agencies and other community resources for achieving the outcomes identified in the intervention and referral services action plans;
- I. Maintain records of all requests for assistance and all intervention and referral services plans in accordance with federal and state law and regulation;
- J. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan and modify each plan to achieve the outcomes as appropriate; and
- K. At a minimum, annually review the intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services and make recommendations to the principal for improving school programs and services, as appropriate.

The board shall review and adopt these procedures, and the superintendent shall report to the board on their implementation.

Adopted:	June 12, 2002, January 9, 2008, January 2, 2019
NJSBA Review/Update:	May 2022
Readopted:	January 4, 2023

INTERVENTION AND REFERRAL SERVICES FOR GENERAL
EDUCATION PUPILS (continued)

Key Words

Student Assistance Committee, Intervention and Referral Services for General Education Students

Legal Reference: N.J.A.C. 6A:16-8.1 et seq. Intervention and Referral Services

Possible

Cross References: *6164.4 Child study team
*6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION PUPILS

The board of education shall establish and implement in each school building a coordinated system for planning and delivering intervention and referral services designed to assist students who are experiencing learning, behavior, or health difficulties, and to assist staff who have difficulties in addressing students learning, behavior, or health needs. The board adopts the **(choose one: Response to Intervention (RTI) or a Multi-Tiered System of Support (MTSS))** model as the districts appropriate multidisciplinary team approach for planning and delivering the following required services:

- A. The intervention and referral services shall be provided to support students in the general education program; and
- B. The intervention and referral services may be provided for students who have been determined to need special education programs and services.
 - 1. The intervention and referral services provided for students determined to need special education programs and services shall be coordinated with the student's individualized education program team, as appropriate.
- C. Child study team members and, to the extent appropriate, specialists in the area of disability may participate on intervention and referral services teams, pursuant to N.J.A.C. 6A:14-3.1(d)6.

The chief school administrator shall prepare procedures to:

- A. Identify learning, behavior and health difficulties of students;
- B. Collect thorough information on the identified learning, behavior and health difficulties;
- C. Identify the roles and responsibilities of the building staff who participate in planning and providing intervention and referral plan and services;
- D. Develop and implement action plans which provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior and health difficulties;
- E. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties and refer pupils to school staff who participate in planning and providing intervention and referral services;
- F. Actively involve parents/guardians in the development and implementation of intervention and referral plans;
- G. Coordinate the access to and delivery of school resources and services for achieving the outcomes identified in the intervention and referral services action plan;
- H. Coordinate the services of community-based social and health provider agencies and other community resources for achieving the outcomes identified in the intervention and referral services action plans;

INTERVENTION AND REFERRAL SERVICES FOR GENERAL
EDUCATION PUPILS (continued)

- I. Maintain records of all requests for assistance and all intervention and referral services plans in accordance with federal and state law and regulation;
- J. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan and modify each plan to achieve the outcomes as appropriate; and
- K. At a minimum, annually review the intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services and make recommendations to the principal for improving school programs and services, as appropriate.

The board shall review and adopt these procedures, and the chief school administrator shall report to the board on their implementation.

Adopted:	July 14, 1975, February 14, 1996, January 9, 2008, September 9, 2015, January 2, 2019
NJSBA Review/Update:	May 2022
Readopted:	January 4, 2023, April 12, 2023

Key Words

Pupil Assistance Committee, Intervention and Referral Services for General Education Pupils

Legal Reference: N.J.A.C. 6A:16-8.1 et seq. Intervention and Referral Services

Possible

Cross References: *6164.4 Child study team
*6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

GUIDANCE SERVICES

A guidance program shall be incorporated into the district's educational program to aid students in making informed and responsible decisions and in using effective decision-making processes. The guidance program shall be developed and coordinated by the superintendent in consultation with teaching staff members he/she has identified as possessing necessary skills and abilities, to help students acquire the insights and knowledge they need to become autonomous, mature members of adult society in a democratic nation.

The Salem City Board of Education shall ensure all students have access to adequate and appropriate counseling services. When informing students about possible careers or professional or vocational opportunities, the options presented to students shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. No biased or stereotyped tests or guidance or counseling materials shall be used.

The purpose of the guidance program shall be to help students in learning to make their own decisions concerning life's many choices--personal, educational, and career/vocational.

The guidance program shall provide, as fully as possible, the information needed to make the best decisions concerning the student's educational program. Such information shall include facts such as test scores, grades and educational history. Student records may also include anecdotes, but shall not carry judgments, opinions and other advice.

Students shall be encouraged to avail themselves of the help of the guidance department's personnel.

High School only: The guidance department in the high school shall encourage the visits of educational and occupational representatives, including military recruiters. The administration shall have a positive attitude toward granting permission to seniors to visit schools, colleges and places of employment during school time. Students must have prior approval of the guidance department for the scheduled visit.

Students shall be aided in finding part-time jobs when in school, and permanent employment upon graduation.

Guidance services shall include establishment of a referral system that guards the privacy of the student and monitors the efficacy of such referrals, when district resources are not sufficient, as in drug or alcohol counseling.

Adopted:	June 12, 2002, January 9, 2008, January 2, 2019
NJSBA Review/Update:	May 2022
Readopted:	January 4, 2023

Key Words

Guidance Services

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:35-4.2	Career development program
	<u>N.J.S.A.</u> 18A:36-19	Student records; creation, maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A.</u> 18A:36-19.1	Military recruiters; access to schools and student information directories

GUIDANCE SERVICES (continued)

<u>N.J.S.A.</u> 18A:38-36	Employment certificates to part-time students; revocation
<u>N.J.S.A.</u> 18A:46-5.1	Basic child study team services; provision by boards of education and state operated programs
<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:8-3.2	
<u>N.J.A.C.</u> 6A:9B-14.2	Substance awareness coordinator
<u>N.J.A.C.</u> 6A:9B-14.7	Director of school counseling services
<u>N.J.A.C.</u> 6A:9B-14.8	School counselor
<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
<u>N.J.A.C.</u> 6A:16-4.1	Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-7.1 <u>et seq.</u>	Student Records
<u>N.J.A.C.</u> 6A:32-12.2	Guidance and counseling

Possible

<u>Cross References:</u>	5000	Concepts and roles in student personnel
	5010	Personal goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*5125	Student records
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*6142.12	Career education
	*6145	Extracurricular activities
	*6146	Graduation requirements
	*6164.4	Child study team
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.4	Special education
	*6172	Alternative educational programs
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

CHILD STUDY TEAM

The Salem City Board of Education shall provide the services of child study team personnel in numbers sufficient to ensure implementation of pertinent law and regulation. The superintendent shall present to the board for approval job descriptions, qualifications and evaluation criteria for positions required, and shall present to the board for hiring the best qualified applicants. The child study team shall consist of a school psychologist, a learning disability teacher consultant and a school social worker, and for the purposes of evaluation and classification shall include pertinent information from certified school personnel making the referral.

When complete evaluations of students are necessary, the superintendent shall recommend for board approval qualified persons or agencies to supplement the district team. Appropriate staff members, such as the nurse and teachers assigned to the student, shall also be involved.

Students who have been identified by any professional staff member, the parents/guardians of the child, a child welfare agency or by the health services staff as possibly having an educational disability shall be considered for evaluation.

Teachers and administrators shall provide intervention resources (e.g., adaptive teaching methods and materials, schedule changes, modified workloads, corrective or remedial instruction, etc.) in order to discover whether an observed difficulty is the result of problems within the educational delivery system. Parents/guardians shall be notified of such interventions. The members of the child study team shall be available to discuss problems informally with teachers and parents/guardians.

If the problems persist despite these intervention techniques, a formal referral, requiring due process procedures, shall be initiated. The examination of each such student shall proceed promptly in strict accordance with law. The board shall review and adopt the regulations governing the referral process.

Examination of each identified child shall consist of a physical examination, a psychological examination, an educational examination, a social case study, and such other examinations as may be deemed necessary by the child study team.

Any decision by the basic child study team concerning the evaluation, classification and placement of a student shall include the full participation of that student's parents or guardian.

Students at Risk

In addition to the students with disabilities, the child study team shall consider and recommend appropriate remedies and/or programs for students at risk for school failure. Child study team members may participate as part of the multidisciplinary team in making decisions regarding a student's placement in an alternative education program.

All staff members shall be familiar with and implement the discipline policies and procedures adopted by the board (see board policy 5131 Conduct and Discipline). This implementation of the student code of conduct combined with consistent documentation shall provide data that may be used to identify students that are at risk for school failure due to emotional and behavior issues. Staff members shall report the names of students who disrupt the educational program to the appropriate administrator who shall initiate actions that will ensure the involvement of the student's family and the provision of counseling and assessment services, so as to determine the causes of the student's disruptive behavior. A request for pre-referral intervention or for referral for evaluation may be made to the child study team. Throughout this process, administrators,

CHILD STUDY TEAM (continued)

support staff, teachers, parents/guardians, and if prudent, the student shall be involved. If all strategies prove unsuccessful, referral to the appropriate outside agency may be made.

Students whose continuing attendance interrupts the educational program and/or threatens harm to themselves and others may be suspended and considered for expulsion.

Adopted: January 9, 2008, January 2, 2019
 NJSBA Review/Update: May 2022
 Readopted: January 4, 2023

Key Words

Child Study Team, Referrals, At-Risk, Disaffected Students, Disruptive Students,

Legal References: N.J.S.A. 18A:46-3.1 Regional consultants for hearing impaired; appointment; duties
N.J.S.A. 18A:46-5.1 Basic child study team services; provision by boards of education and state operated programs
N.J.S.A. 18A:46-5.2 Participation by parent or guardian
N.J.A.C. 6A:9B-14.5 School social worker
N.J.A.C. 6A:9B-14.6 Speech-language specialist
N.J.A.C. 6A:9B-14.7 Director of school counseling services
N.J.A.C. 6A:9B-14.8 School counselor
N.J.A.C. 6A:9B-14.9 School psychologist
N.J.A.C. 6A:9B-14.10 Learning disabilities teacher-consultant
N.J.A.C. 6A:14-1.1 et seq. Special Education
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1400 et seq. - 1990 Individuals with Disabilities Education Act, P.L. 101-476

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Possible

Cross References: *4111 Recruitment, selection and hiring
 *5114 Suspension and expulsion
 *5120 Assessment of individual needs
 *5131 Conduct/discipline
 *5200 Nonpublic school students
 *6010 Goals and objectives
 *6146.2 Promotion/retention
 *6164.2 Guidance services
 *6171.4 Special education
 *6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SPECIAL INSTRUCTIONAL PROGRAMS

The regular curriculum of the Salem City School District is designed to accomplish the district's educational goals and objectives for a thorough and efficient system of education for all students.

When necessary, the regular program shall be altered or supplemented or other means used to provide for the identified needs of the following students:

- A. The classifiable educationally disabled;
- B. The gifted and talented;
- C. Those requiring compensatory or remedial programs;
- D. The students at risk for school failure;
- E. Pregnant students;
- F. Students requiring home instruction;
- G. The physically disabled;
- H. Students who are English language learners;

Adopted: June 12, 2002, January 9, 2008, January 2, 2019
NJSBA Review/Update: May 2022
Readopted: January 4, 2023

Key Words

Special Instructional Programs

<u>Legal References:</u>	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:35-15 through -26	Bilingual Education Programs
	<u>N.J.S.A.</u> 18A:46-1 <u>et seq.</u>	Classes and Facilities for Handicapped Children
	<u>N.J.S.A.</u> 18A:46A-1 <u>et seq.</u>	Auxiliary services
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Every Student Succeeds Act of 2015, PL. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *6142.2 English as a second language; bilingual/bicultural
*6171.1 Remedial instruction

SPECIAL INSTRUCTIONAL PROGRAMS (continued)

*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
*6172	Alternative educational programs
*6173	Home instruction
6174	Summer school
*6178	Early childhood education/preschool

*Indicates policy is included in the Critical Policy Reference Manual.

REMEDIAL INSTRUCTION

Students who perform below acceptable levels on statewide assessments of the New Jersey Student Learning Standards shall participate in remedial programs. Proficiency shall also be evaluated through multiskills assessment, standardized tests, diagnostic instruments, teacher observation and student progress reports.

The programs shall include procedures to evaluate student achievement related to the remedial program objectives and standards. Continuous communication between teaching staff members and parents/guardians of students participating in remedial educational programs shall be coordinated by the superintendent. These programs shall be supplemental to the regular program and designed to assist students who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

All parents/guardians shall be notified in writing of a student's need for a remedial/skill maintenance program and shall be encouraged to participate in its design.

Parents/guardians shall be notified at appropriate times during the course of remediation, of the student's progress in meeting the remediation standards. The parent/guardian shall be immediately consulted if, in the teacher's judgment, there is any indication that the student's progress may not be sufficient to meet these standards.

Salem City Board of Education policies shall be developed with the participation of parents, teachers and students, where appropriate and reviewed and adopted by the board as required by law.

The superintendent shall evaluate the remedial education programs each school year and report to the board of education as to their effectiveness in achieving and maintaining acceptable levels of student proficiency.

The superintendent shall develop and the board shall adopt procedures for student promotion and remediation, related to district goals, objectives and student proficiency.

Adopted:	January 9, 2008, January 2, 2019
NJSBA Review/Update:	May 2022
Readopted:	January 4, 2023

Key Words

Remedial Instruction, Compensatory Instruction, Supplemental Instruction, Remedial Education

Legal References: N.J.S.A. 18A:7C-1 et seq. High School Graduation Standards
See particularly:
N.J.S.A. 18A:7C-2,
-3, -4, -6
N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
N.J.A.C. 6A:8-4.3 Accountability
N.J.A.C. 6A:8-4.4 Annual review and evaluation of school districts
N.J.A.C. 6A:8-5.1 Graduation
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

REMEDIAL INSTRUCTION (continued)

Possible

<u>Cross References:</u>	*4138.2	Private tutoring
	*5120	Assessment of individual needs
	*6141	Curriculum design/development
	*6142	Subject fields
	*6142.6	Basic skills
	*6146	Graduation requirements
	*6146.2	Promotion/retention
	*6147	Standards of proficiency
	*6171.3	At-risk and Title 1

*Indicates policy is included in the Critical Policy Reference Manual.

GIFTED AND TALENTED

Definitions

"Gifted and talented student" means a student who possesses or demonstrates a high level of ability in one or more content areas when compared to their chronological peers in the school district and who requires modifications of their educational program if they are to achieve in accordance with their capabilities.

"Instructional adaptation" means an adjustment or modification to instruction enabling a student who is gifted and talented to participate in, benefit from, and demonstrate knowledge and application of the New Jersey Student Learning Standards in one or more content areas at the instructional level of the student, not just the student's grade level.

The Salem City Board of Education shall ensure that appropriate instructional adaptations and educational services are provided to gifted and talented students in kindergarten through grade 12 to enable them to participate in, benefit from, and demonstrate knowledge and application of the New Jersey Student Learning Standards at the instructional level of the student.

Gifted and Talented Program

The board of education directs that the superintendent and appropriately trained and qualified staff members designated by the superintendent shall:

- A. Ensure that appropriate instructional adaptations are designed for students who are gifted and talented;
- B. Make provisions for an ongoing kindergarten through grade 12 identification process for gifted and talented students that includes multiple measures in order to identify student strengths in intellectual ability, creativity, or a specific academic area. The district shall ensure equal access to a continuum of gifted and talented education services. The identification process shall include consideration of all students, including those who are English language learners and those with individualized education plans (IEPs) or 504 plans;
- C. Develop and document appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment, and including, but not limited to, additional education activities such as academic competitions, guest speakers, and lessons with a specialist;
- D. Take into consideration the Gifted Programming Standards, Position Statements, and White Papers of the National Association for Gifted Children in identifying and serving gifted and talented students;
- E. Provide the time and resources to develop, review, and enhance instructional tools with modifications for helping gifted and talented students acquire and demonstrate mastery of the required knowledge and skills specified by the standards at the instructional level of the student; and
- F. Actively assist and support professional development for teachers, educational services staff, and school leaders in the area of gifted and talented instruction including their efforts to meet mandatory professional development requirements (see board policy 4131/4131.1 Staff Development, Inservice Education, Visitation, Conferences and N.J.A.C. 6A:9C-3).

GIFTED AND TALENTED (continued)

Gifted and Talented Curriculum and Instruction

The board shall provide appropriate kindergarten-through-grade-12 (K-12) educational services for gifted and talented students.

The superintendent shall develop and the board shall approve criteria for identifying all gifted and talented students in kindergarten through grade 12. The identification process shall include multiple measures. Gifted and talented students shall be provided with appropriate instructional adaptations and services to encourage development of their special abilities in achieving the New Jersey Student Learning Standards.

The superintendent or designee shall ensure that the curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the New Jersey Student Learning Standards. The curriculum and instruction shall provide educational challenges to students identified as gifted and talented and shall be reviewed regularly.

Curriculum and instruction shall be designed with consideration for the individual learning styles of each student as well as the capacity of a gifted student to create concepts, respond to stimuli in a unique and creative manner, and develop higher levels of thinking. Appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team shall be made for students with disabilities or 504 plans.

Because early discovery of a gift or talent is important, it is essential that the identification of these students be carried on as a continuing process, since special abilities and skills appear at different times in the development of many children.

The superintendent shall coordinate development of appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment. The board directs the superintendent to take into consideration the prekindergarten through grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing school and district programs for gifted and talented students.

The superintendent shall devise indicators of achievement to evaluate the success of each program presented to the board for adoption.

The superintendent shall take the appropriate measures to ensure that minority and female students are not underrepresented in gifted and talented or accelerated/advanced courses.

Coordinator for Gifted and Talented Services

The state coordinator for gifted and talented services appointed by the commissioner of education, shall be responsible for reviewing the information about gifted and talented services provided by the district. The superintendent or designee shall file a report with the coordinator on a schedule that coincides with the district's New Jersey Quality Single Accountability Continuum (NJQSAC) review. The report shall include, but not be limited to:

- A. The gifted and talented continuum of services, policies, and procedures implemented in the school district;
- B. The total number of students receiving gifted and talented services in each grade level kindergarten through grade 12 disaggregated by race, gender, special education designation, and English language learner designation;
- C. The professional development opportunities provided for teachers, educational services staff, and

GIFTED AND TALENTED (continued)

school leaders about gifted and talented students, their needs, and educational development; and

- D. The number of staff employed by the school district whose job responsibilities include identification of and providing services to gifted and talented students.

Complaint Process

Any individual who believes that the district has not complied with the provisions in the law or administrative code related to gifted and talented services may file a complaint with the board of education. The complaint shall be submitted in writing to the board office. The superintendent or designee shall take the necessary actions to correct or remediate the complaint and report such actions to the board. The board shall issue a decision, in writing, to affirm, reject, or modify the district's action in the matter.

If the complaint is not resolved to the individual's satisfaction or the individual is not satisfied by the written decision of the board, the individual may then file a petition of appeal of the board's written decision to the Commissioner of Education through the Office of Controversies and Disputes in accordance with law (N.J.S.A. 18A:6-9) and the procedures set forth in State Board of Education regulations.

This complaint policy shall be linked to the homepage of the board's website.

Information Available on Website

Detailed information shall be available on the district website regarding the policies and procedures used to identify students as gifted and talented and the continuum of services offered to gifted and talented students. The information shall include the criteria used for consideration for eligibility for the gifted and talented services, including the multiple measures used in the identification process to match a student's needs with services, and any applicable timelines in the identification process.

Adopted:	January 11, 1995, January 9, 2008, January 2, 2019, November 11, 2020,
NJSBA Review/Update:	March 2022
Readopted:	January 4, 2023

Key Words

Gifted, Talented

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:35-4.15 through -4.16	Legislative findings and declarations; chess instruction for second-grade students in gifted and talented and special education programs ...
	<u>N.J.S.A.</u> 18A:35-34	Short Title: Strengthening Gifted and Talented Education Act
	<u>N.J.S.A.</u> 18A:35-35	Definitions relative to gifted and talented students
	<u>N.J.S.A.</u> 18A:35-36	Instructional adaptations, educational services for gifted and talented students
	<u>N.J.S.A.</u> 18A:35-37	Coordinator for gifted and talented services
	<u>N.J.S.A.</u> 18A:35-38	Complaint for noncompliance
	<u>N.J.S.A.</u> 18A:35-39	Information available on the website
	<u>N.J.S.A.</u> 18A:61C-10	Dual enrollment agreement increased availability of college-level instruction; scope
	<u>N.J.S.A.</u> 18A:61C-11	Acceptance of course credit
	<u>N.J.S.A.</u> 18A:61C-15	Eligibility to receive college credit

GIFTED AND TALENTED (continued)

<u>N.J.S.A.</u> 18A:61C-16	Awarding college credit
<u>N.J.A.C.</u> 6A:8-1.3	Definitions
<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:8-3.3	Enrollment in college courses
<u>N.J.A.C.</u> 6A:13-2.3	Standards-based instruction
<u>N.J.A.C.</u> 6A:30-1.4	Evaluation process for the annual review

P.L. 2019, c. 338, Strengthening Gifted and Talented Education Act

National Association for Gifted and Talented, www.nagc.org

Pre-K-Grade 12 Gifted Programming Standards, <http://www.nagc.org/resources-publications/resources/national-standards-gifted-and-talented-education/pre-k-grade-12>

Possible

<u>Cross References:</u>	*1600	Relations between other entities and the district
	*6010	Goals and objectives
	*6121	Nondiscrimination/affirmative action
	*6171	Special instructional programs

*Indicates policy is included in the Critical Policy Reference Manual.

TITLE I
IMPROVING ACADEMIC ACHIEVEMENT AND PARENT AND FAMILY ENGAGEMENT

The district shall comply with all state and federal requirements in developing, implementing, administering and evaluating funded compensatory education programs and in particular programs and activities provided with Title I funds.

The purpose of Title I funding is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

Definitions

A Title I targeted assistance program provides supplemental Title I services to eligible students who are identified failing or most at risk of failing to meet the New Jersey Student Learning Standards and have the “greatest need” for academic assistance. Categorizing students with “the greatest need” is based entirely on academic need (low achievement) and poverty is not a factor. Title I, Part A funds may only be used to upgrade the educational program for the targeted group identified as academically at risk. Schools with targeted assistance programs do not meet the 40% poverty threshold required for a schoolwide program.

A Title I schoolwide program permits a school to use Title I, Part A funds to upgrade the entire educational program of the school in order to raise academic achievement for all students. A school is eligible to have a schoolwide program when the school meets the 40% or greater poverty threshold and has as a goal upgrading the entire educational program with Title I, Part A funds.

(Note: the 40% or greater poverty threshold is waived for propriety and focus schools under the approved New Jersey ESEA flexibility waiver.)

District Educational Plan

The district educational plan shall be developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators, other appropriate school personnel, and with parents of children in schools receiving Title I funds. As appropriate, the district educational plan shall be coordinated with other federal programs as detailed in the Every Student Succeeds Act of 2015, the Individuals with Disabilities Education Act (20 U.S.C.A. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C.A. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C.A. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C.A. 3101 et seq.), the Head Start Act (42 U.S.C.A. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C.A. 3271 et seq.), and other Acts as appropriate.

The district educational plan shall describe:

- A. How student progress in meeting the New Jersey Student Learning Standards shall be monitored. To ensure that students are successful in achieving the New Jersey Student Learning Standards the district shall:
 - 1. Develop and implement a well-rounded program of instruction that meets the academic needs of all students;
 - 2. Identify students who may be at risk for academic failure;
 - 3. Provide additional educational assistance to individual students determined to need help in meeting the New Jersey Student Learning Standards; and

TITLE I (continued)

4. Identify and implement instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;
- B. How the district shall identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;
 - C. How the district shall carry out its responsibilities when the district is identified as needing comprehensive support and improvement and targeted support and improvement;
 - D. The poverty criteria that will be used to select school attendance areas under the federal law (section 1113);
 - E. The nature of the programs to be conducted by the district schools including school-wide and targeted assistance programs (sections 1114 and 1115) and, where appropriate, educational services provided outside the schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;
 - F. The services the district will provide homeless children and youths, including services to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the district is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.);
 - G. The strategy the district will use to implement effective parent and family engagement;
 - H. If applicable, how the district will support, coordinate, and integrate Title I services with early childhood education programs, including plans for the transition of participants in preschool programs to elementary school programs;
 - I. How teachers and school leaders, in consultation with parents/guardians, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program, will identify the eligible children most in need of services;
 - J. How the district will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable coordination with institutions of higher education, employers, and other local partners; and increase student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;
 - K. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom;
 - L. As appropriate, how the district will support programs that coordinate and integrate academic and career and technical education content through coordinated instructional strategies; and
 - M. Any other information on how the district proposes to use funds to meet the purposes of the federal Title I program including identifying and serving gifted and talented students; and developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

If the district educational plan is not satisfactory to the parents/guardians of participating children, the district shall submit the parent/guardian comments with the plan to the New Jersey Department of Education.

Parent and Family Engagement

TITLE I (continued)

The superintendent or his or her designees shall ensure that parents/guardians and family members are involved in developing the district Title I educational plan. The district shall provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. In providing coordination, technical assistance, and other support, the superintendent or his or her designee may obtain meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education. To the extent feasible and appropriate, parent and family engagement strategies shall be coordinated and integrated with other relevant Federal, State, and local laws and programs. The superintendent shall ensure that an annual evaluation of the content and effectiveness of the parent and family engagement policy is conducted annually.

Parents/guardians shall be involved in the activities of the schools. These activities may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members of the district schools to adequately represent the needs of the district population for the purposes of developing, revising, and reviewing the board parent and family engagement policy.

School Level Parent and Family Engagement

Each district school served by Title I funds shall convene an annual meeting at a convenient time, to which all parents/guardians of participating children shall be invited and encouraged to attend. The purpose of this meeting shall be to inform parents/guardians of programs and activities provided with Title I funds, to explain the federal requirements for participation in the federal Title I program, and inform parents/guardians of their right to be involved.

The building principal or his or her designee shall ensure that parents/guardians are involved, in an organized, ongoing and timely way, in the planning, review, and improvement of Title I programs. Parents/guardians shall be included in the planning, review, and improvement of the school parent and family engagement effort consistent with board policy for targeted assistance programs and/or the joint development of the schoolwide program plan.

A flexible number of meetings shall be offered, such as meetings in the morning or evening. Transportation, child care, or home visits, as such services relate to parental involvement may be provided with Title I funds.

The parents/guardians and family members of all participating children shall be invited to attend and participate in district Title 1 programs. The principal or his or her designee shall ensure opportunities are provided for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required by law in a format and, to the extent practicable, in a language parents/guardians understand.

Specifically, parents/guardians of participating children shall:

- A. Receive timely information about programs and activities provided with Title I funds;
- B. Receive a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the New Jersey Student Learning Standards; and
- C. If requested by parents/guardians, be provided opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

TITLE I (continued)

If the schoolwide program plan is not satisfactory to the parents/guardians of participating children, the principal or his or her designee shall submit any parent/guardian comments with the schoolwide plan to the superintendent and the board.

This parent and family engagement policy shall be distributed to parents and family members of participating children.

Building Capacity for Parent and Family Engagement

The superintendent shall ensure effective involvement of parents/guardians and implement appropriate measures to support a partnership among the schools, parents/guardians, and the community to improve student academic achievement. The superintendent or his or her designee shall ensure that each of the district schools shall at a minimum:

- A. Provide assistance to parents/guardians in understanding New Jersey Student Learning Standards, the New Jersey Department of Education approved statewide proficiency assessments, school administered assessments, the requirements under federal law, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- B. Provide materials and training to help parents to work with their children to improve their children's achievement;
- C. Educate teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- D. Coordinate and integrate parent involvement programs and activities to the extent feasible, with other Federal, State, and local programs, including public preschool programs, and conduct other activities, that support involvement;
- E. Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and
- F. Provide such reasonable support as requested by parents/guardians.

School-Parent Compact

High student achievement is a shared responsibility. Each school receiving Title I funds shall jointly develop a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall:

- A. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children to meet the challenging State academic standards;
- B. Describe the ways in which each parent will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

TITLE I (continued)

- C. Address the importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
1. Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
 2. Frequent reports to parents on their children's progress;
 3. Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and
 4. Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

Annual Evaluation

An annual evaluation of the content and effectiveness of the parent and family policy in improving the academic quality of all schools shall be conducted with the meaningful involvement of parents and family members. The annual evaluation shall identify:

- A. Barriers to greater participation by parents in activities authorized with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
- B. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
- C. Strategies to support successful school and family interactions.

The findings of the evaluation shall be used to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policy.

Comparability of Services

As a condition of receiving Title I funds, State and local funds shall only be used in the schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds. When all the schools of the district are served by Title I funds, the district will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school. Comparability may be on a grade-span by grade-span basis or a school-by-school basis.

To be in compliance with the requirements of federal law the board of education shall establish a district-wide salary guide.

The board directs the superintendent to assign teachers, administrators, and other staff to the schools in such a way that equivalence of personnel is ensured among the schools. In addition, the board directs the superintendent to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence is ensured among the schools.

A. Equivalence

In order to meet the requirements for equivalence the board shall file with the New Jersey Department of Education a written assurance that the following has been established and implemented in the district:

1. A district-wide salary schedule;
2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. A policy to ensure equivalence among schools in the provision of curriculum materials and

TITLE I (continued)

instructional supplies.

B. Determination of Expenditures

In the determination of expenditures per student from State and local funds, or instructional salaries per student from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

C. Exclusion

Unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year shall be excluded in determining comparability of services.

D. Procedures and Records

The superintendent shall develop procedures for compliance with these requirements and maintain records that are updated biennially documenting the district's compliance.

Supplement not Supplant

The Salem City School District shall use Title I funds only to supplement and to the extent practical increase the level of funds that would, in the absence of Title I funds, be made available for the education of students participating in Title I or state compensatory education projects. In no case shall Title I funds be used to supplant those non-Title I or non-state compensatory education funds.

Maintenance of Effort

The board of education will maintain a combined fiscal effort per student or aggregate expenditures of state and local funds with respect to the provision of the public education for the preceding fiscal year that is not less than 90% of the required amount of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

Eligibility for State and Federal Funds

The superintendent shall ensure that all requirements for receiving state and federal funds shall be fulfilled in an accurate and timely manner.

Control over such funds and title to all equipment and supplies purchased with such funds shall remain with the board of education. Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with the law.

General

The superintendent shall direct appropriate administrative personnel to pursue vigorously all possible sources of funding, either state or federal, that support such compensatory services, and shall keep abreast of all changes in the law which restrict or expand the district's use of state or federal funds.

Programs especially designed for migrant children shall be provided as necessary.

Adopted:	January 11, 1995, June 12, 2002, January 9, 2008, March 8, 2016, January 2, 2018
NJSBA Review/Update:	May 2022
Readopted:	January 4, 2023

TITLE I (continued)Key Words

State/Federal Funds, Federal Funds, Compensatory Instruction, Basic Skills, Maintenance of Effort, Supplement not Supplant, Comparability, At-Risk Students

Legal References: N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
 42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964
Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.
Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Resources: New Jersey Department of Education Every Student Succeeds (ESSA) Guidance Document located at:
<http://www.state.nj.us/education/ESSA/guidance/njdoe/DistrictGuide.pdf> (Last accessed 1/2/2018.)
 New Jersey Department Of Education Webinar: *An Introduction To Title I Targeted Assistance Programs*. Located at: <http://www.state.nj.us/education/title1/grants/> (Last accessed 1/2/2018.)
 New Jersey Department Of Education Webinar: *Transition from a Targeted Assistance Title I Program of Schoolwide Program*. Located at:
<http://www.state.nj.us/education/title1/grants/> (Last accessed 1/2/2018.)

Possible

Cross References: *3220/3230 State funds; federal funds
 *3514 Equipment
 *5120 Assessment of individual needs
 *5200 Nonpublic school students
 *6122 Articulation
 *6141 Curriculum design/development
 *6142.2 English as a second language; bilingual/bicultural
 *6142.6 Basic skills
 *6171.1 Remedial instruction
 *6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6171.4

X **Monitored**

X **Mandated**

X **Other Reasons**

Exhibit

NEW JERSEY DEPARTMENT OF EDUCATION

PARENTAL RIGHTS IN SPECIAL EDUCATION/PROCEDURAL SAFEGUARD STATEMENT

New Jersey Administrative Code for special education (N.J.A.C. 6A:14) and the federal Individuals with Disabilities Education Act of 2004 (IDEA 2004) are laws that ensure children with disabilities a free, appropriate public education in the least restrictive environment. An important part of these laws provides parents with the right to participate in their children's education.

You and representatives of your school district are team members who are responsible for developing an appropriate educational program for your child. This document will describe the state and federal laws affecting the provision of special education to help you understand your rights in the special education process. With this knowledge, you will be prepared to take an active role in your child's education.

This document has been developed for you by the Department of Education, Office of Special Education Programs, in an effort to provide the most comprehensive and up-to-date information. The document is periodically revised to reflect changes in the law, provide additional information that would be of use to you, and to provide the information in a more clear and concise manner.

If you need additional help in understanding your rights, contact information for the Statewide Parent Advocacy Network (SPAN), Disability Rights New Jersey (DRNJ), the County Offices of the New Jersey Department of Education and your local school district is listed on page 42 of the New Jersey Department of Education publication, Parental Rights in Special Education (revised August 2016).

This is the procedural safeguards statement required in accordance with New Jersey Administrative Code (N.J.A.C.) 6A:14-2.3(g)7.

Reference: New Jersey Department of Education, Parental Rights in Special Education, Revised August 2016).

<http://www.state.nj.us/education/specialed/form/prise/prise.pdf>

SPECIAL EDUCATION

In compliance with State Department of Education interpretation of the administrative code on special education, the Salem City Board of Education adopts the following policies on providing educational and related services to students identified as having educationally disabling conditions as defined in federal and state law.

Full Educational Opportunity for Students with Disabilities

The board of education is responsible for providing a free and appropriate public education for all children resident in the district including children ages three through 21 identified as having disabilities and students with disabilities who have been suspended or expelled. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation. When a student is found eligible for special education and related services and the board of education cannot provide required instruction and related services from its own resources and facilities, the board will seek appropriate placement outside the district, and will assume such costs of that placement as are required by law.

The board shall ensure that:

- A. Free, appropriate public education is made available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
- B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
- C. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
- D. The services and placement to receive a free and appropriate education needed by each student with a disability are based on the student's unique needs and not on the student's disability; and
- E. The services and placement needed by each student with a disability are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

The goal of the board's special education program is to provide full educational opportunity to all resident students ages three through 21 with disabilities, as those terms are defined in federal and state law. The board will make available to parents/guardians of students with disabilities below the age of three information regarding services available through other state, county and local agencies.

The superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

The superintendent shall also ensure that the district plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1 which sets for the requirements for programs and instruction. This plan shall consist of policies, procedures,

SPECIAL EDUCATION (continued)

assurances, a comprehensive system of personnel development, data collection and an application that describes the use of IDEA Part B funds.

The superintendent shall ensure that the plan is implemented in this district and shall supervise its operation so that it will accomplish its stated goals and objectives.

Participation of and Consultation with the Parents/Guardians

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed (see section below: Parental Consent, Notice, Participation, and Meetings). After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days.

Surrogate Parent (N.J.A.C 6A:14-2.2)

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey. The district shall select and train such surrogate parents in compliance with the administrative code. A surrogate shall be provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:

- A. The parent of the student cannot be identified or located;
- B. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student;
- C. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student;
- D. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student;
- E. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
 1. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student;
 2. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
 - a. Determine whether there is a need for a surrogate parent for a student;
 - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
 - c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.

SPECIAL EDUCATION (continued)

3. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14:
 - a. The district will appoint a person that will be responsible for training surrogate parents;
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
 - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
4. The district will ensure that:
 - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
 - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
 - c. All persons serving as surrogate parents are at least 18 years of age;
 - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
 - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Parental Consent, Notice, Participation, and Meetings (N.J.A.C. 6A:14-2.3)

A. Consent shall be obtained:

1. Prior to conducting any assessment as part of an initial evaluation;
2. Prior to implementation of the initial IEP ;
3. Prior to conducting any assessment as part of a reevaluation, except when the board can demonstrate that reasonable measures were taken to obtain such consent and the parent failed to respond;
4. Prior to the release of student records;
5. Each time a district board of education seeks to access private insurance covering a student with a disability;
6. Prior to the first time a district board of education seeks to access a child's or parent's public benefits or insurance covering the student;
7. Whenever a member of the IEP team is excused from participating in a meeting;
8. Whenever an IEP is amended without a meeting;
9. Whenever a parent/guardian and the board agree to waive a reevaluation;

Written consent may be revoked by the parent, in writing, at any time. Upon receipt of consent, the board ensure that the action for which consent was shall be implemented without delay.

The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward

SPECIAL EDUCATION (continued)

of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.

- B. When electronic mail is utilized, parents shall be informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. Parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent.
- C. Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to N.J.A.C. 6A:14-2.4. Written notice shall include:
 - 1. A description of the action proposed or denied by the board;
 - 2. An explanation of why the action is being taken;
 - 3. A description of any options that were considered and the reasons why those options were rejected;
 - 4. A description of the procedures, tests, records or reports and factors used in determining whether to propose or deny an action;
 - 5. A description of any other factors that are relevant to the proposal or refusal of the action;
 - 6. A statement that the parents/guardians of a student with a disability have protection under the procedural safeguards, the means by which a copy of a description of the procedural safeguards can be obtained and sources for parents to contact to obtain assistance in understanding the provisions of the law; and
 - 7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:
 - a. Upon referral for an initial evaluation;
 - b. Upon request by a parent;
 - c. When a request for a due process hearing is submitted to the Department of Education;
 - d. When a request for a complaint investigation is submitted to the Department; and
 - e. When a student is removed for disciplinary reasons and the removal constitutes a change in placement.
 - 8. The annual written notice of the procedural safeguards to parents/guardians and/or adult students shall be provided as follows:
 - a. The board shall provide written notice no later than 15 calendar days after making a determination;
 - b. The board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult student may consider the proposal;
 - c. The district board of education shall implement the proposed action after the opportunity for consideration (in 2 above) unless parent/guardian disagrees with the proposed action and the district takes action in an attempt to resolve the disagreement; or mediation or a due process hearing is requested.
- D. The parent/guardian shall be given the opportunity to participate in meetings regarding the identification, evaluation, classification, educational placement of, or the provision of a free, appropriate public education to the student.

Location, Referral and Identification (N.J.A.C 6A:14-3.3)

SPECIAL EDUCATION (continued)

The board directs the superintendent to prepare written procedures for identifying those students ages three through 21, including students attending nonpublic schools located within the district regardless of where they reside, who reside within the district with respect to the location and referral of students who may have a disability due to physical, sensory, emotional, communication, cognitive or social difficulties. In order to ensure preschoolers with disabilities have their initial IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.

The requirements of law and board policy for identification, location and evaluation shall apply to highly mobile students with disabilities, such as migrant and homeless students, and to students who may have a disability even though they are advancing from grade to grade.

Activities undertaken to locate nonpublic school students with disabilities shall be comparable to activities undertaken to locate public school students with disabilities. In addition, the board shall consult with appropriate representatives of nonpublic students on how to carry out these activities.

When a preschool age or school age student is referred for an initial evaluation to determine eligibility for special education programs and services, a meeting of the child study team, the parent and the regular education teacher of the student who is knowledgeable about the student's educational performance or, if there is no teacher of the student, a teacher who is knowledgeable about the district's programs, shall be convened within 20 calendar days (excluding school holidays, but not summer vacation) of receipt of the written request. The child study team shall determine whether an evaluation is warranted and, if warranted, shall determine the nature and scope of the evaluation. When the child study team determines that an evaluation is not warranted then other appropriate action may be determined. The parent shall be provided written notice of the determination(s), which includes a request for consent to evaluate, if an evaluation will be conducted.

The board shall ensure that all preschool students with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.

These procedures and arrangements shall be adopted by the board after review and possible revision. The procedures shall include:

1. Utilizing strategies identified through intervention and referral services (N.J.A.C. 6A:16-8) as well as other general education strategies;
2. Criteria for instructional, administrative and other professional staff, parents/guardians and state agencies to refer students for evaluation;
3. Evaluation criteria for the determination of eligibility for special education and related services; and
4. Other educational actions as appropriate.

Case Manager (N.J.A.C. 6A:14-3.2)

A case manager shall be assigned to a student when it is determined that an initial evaluation shall be conducted. Child study team members or speech-language specialists when they act as members of the child study team shall be designated and serve as the case manager for each student with a disability. The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the individualized education program (IEP). The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.

SPECIAL EDUCATION (continued)Evaluation and Determination of Eligibility (N.J.A.C. 6A:14-3.5 through N.J.A.C. 6A:14-3.6)

- A. The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4, 3.5, 3.6 and 3.7 dealing with:
 - 1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- B. The child study team, the parent and the regular education teacher of the student who has knowledge of the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs shall:
 - 1. Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers, and consider the need for any health appraisal or specialized medical evaluation;
 - 2. Identify what additional data, if any are needed to determine whether the student has a disability;
 - 3. Determine which child study team members and/or specialists shall conduct each assessment that is part of the evaluation.
- C. Prior to conducting any assessment as part of an initial evaluation, the district shall request and obtain consent to evaluate;
- D. If the parent refuses to provide consent to conduct the initial evaluation, the district may file for a due process hearing according to N.J.A.C. 6A:14-2.7 to compel consent to evaluate;
- E. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services;
- F. After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days. This time frame shall not apply if the parent/guardians fails or refuses to produce the child for the evaluation;
- G. An initial evaluation consisting of a multi-disciplinary assessment in all areas of suspected disability shall be conducted. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary;
- H. When the suspected disability is a disorder of articulation, voice or fluency, the speech-language specialist shall meet with the parent/guardian and the student's general education teacher about the student's educational performance to review existing data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
- I. A comprehensive written report of the results of each assessment shall be prepared according to the specifications in law (N.J.A.C. 6A:3.4(h));
- J. When conducting an initial evaluation or reevaluation, the reports and assessments of child study team

SPECIAL EDUCATION (continued)

members or related services providers may be submitted by the parents/guardians to the child study team for consideration. Each report and assessment shall be reviewed and considered by the child study team member or related services provider with relevant knowledge or expertise. A report or component thereof may be utilized as a required assessment, if the assessment has been conducted within one year of the evaluation and the child study team determines the report and assessment meet the state (see N.J.A.C. 6A:14-3.4,h) and district requirements;

- K. Upon receipt of a written referral to the child study team, the school nurse shall review and summarize available health and medical information regarding the student and shall transmit the summary to the child study team for the meeting to consider the need for a health appraisal or specialized medical evaluation.

An audiometric screening according to N.J.A.C. 6A:16-2.2(k)3 shall be conducted for every student referred to the child study team for a special education evaluation.

A vision screening shall be conducted by the school nurse for every student referred to the child study team for a special education evaluation.

The board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

Independent Educational Evaluation (N.J.A.C. 6A:14-2.5)

Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided the board. A parent shall be entitled to only one independent evaluation at public expense each time an initial evaluation or reevaluation is conducted with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request. The independent evaluation shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

Any independent evaluation submitted to the district, including an independent evaluation obtained by the parent/guardian at private expense, shall be considered in making decisions regarding special education and related services.

Individualized Education Program IEP (N.J.A.C. 6A:14-2.3 (k)1 and 3.5 through -3.6)

Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the student's educational performance or district's programs; the student, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or district; and for an initial eligibility meeting, certified school personnel referring the student as potentially disabled, or the school principal or designee if they choose to participate.

A student shall be determined eligible and classified for special education and related services when it is determined that the student has one or more of the disabilities defined in the administrative code. A student shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

The individualized education program for each student with a disability shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(k) regarding eligibility meetings for students

SPECIAL EDUCATION (continued)

who are classified and N.J.A.C. 6A:14-3.7 regarding the requirements of individualized education program (IEP).

A meeting to develop the IEP shall be held within 30 calendar days of a determination that a student is eligible for special education and related services or eligible for speech-language services. An IEP shall be in effect before special education and related services are provided to a student with a disability and such IEP shall be implemented as soon as possible following the IEP meeting.

At the beginning of each school year, the board shall have in effect an IEP for every student in the district who is receiving special education and related services. Every student's IEP shall be accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation. Each teacher shall be informed of the specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports to be provided for the student in accordance with the IEP. Teacher aides and the appropriate general or special education teaching staff time shall be provided for consultation on a regular basis as specified in each student's IEP (N.J.A.C. 6A:14-4.5(d)).

The board directs the superintendent or his or her designee to maintain documentation that the teacher and provider, as applicable, has been informed of his or her specific responsibilities related to implementing the student's IEP. The board shall ensure that there is no delay in implementing a student's IEP including any case in which the payment source for providing or paying for special education and related services is being determined.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law (see N.J.A.C. 6A:14-3.7), a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the superintendent/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation.

Parents/guardians shall receive a copy of the student's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and student unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.

The school district will provide teacher aides and the appropriate general or special education teaching staff

SPECIAL EDUCATION (continued)

time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

Participation in Regular Educational Programs to the Maximum Extent Appropriate/Least Restrictive Environment (N.J.A.C. 6A:14-4.2)

Educational placement decisions made for each disabled student shall always be, insofar as possible, in the least restrictive environment commensurate with the student's educational needs. This means that to the maximum extent appropriate, educationally disabled students shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the student and to ensure the quality of services which he/she requires.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Special classes, separate schooling or other removal of a student with a disability from the student's general education class occurs only when the nature or severity of the educational disability is such that education in the student's general education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. All students shall be considered for placement in the general education class with supplementary aids and services including, but not limited to curricular or instructional modifications or specialized instructional strategies: Assistive technology devices and services; teacher aides; related services; integrated therapies; consultation services; and in-class resource programs.

When instruction in general education subjects or content areas is provided to groups consisting solely of students with disabilities, the size of the groups and age range shall conform to the requirements for special class programs. An exception to the age range and group size requirements of law (N.J.A.C. 6A:14-4) may be requested by writing to the Department of Education through the county office.

When students with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of students with disabilities, the age range and group size shall be based on the nature of the activity, needs of the students participating in the activity and the level of supervision required.

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

In order to ensure a continuum of alternative placements, when the board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the district and will assume such costs of that placement as are required by law.

Placement of a disabled student in the least restrictive environment shall be determined annually and, for a student in a separate setting, activities necessary to transition the student to a less restrictive placement are considered at least annually.

Placement is based on the student's individualized education program. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not a student with a disability.

In determining the least restrictive setting consideration shall be given to whether the student can be satisfactorily educated in the regular classroom with supplemental aids and services; a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and the potential beneficial or harmful effects which a placement may have on the student with disabilities or the other students in the class.

SPECIAL EDUCATION (continued)

A student with a disability is not removed from the age-appropriate general education classroom solely based on needed modifications to the general education curriculum.

Placement in a program option shall be based on the individual needs of the student.

When determining the restrictiveness of a program option, the determination shall be based solely on the amount of time a student with disabilities is educated outside the general education setting.

The board shall provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities; and that each student with a disability participates with nondisabled students to the maximum extent possible.

Reevaluation (N.J.A.C. 6A:14-3.8)

Within three years of the previous classification, a multi-disciplinary reevaluation shall be completed to determine whether the student continues to be a student with a disability. Reevaluation shall be conducted sooner if conditions warrant or if the student's parent or teacher requests the reevaluation. However, a reevaluation shall not be conducted prior to the expiration of one year from the date the parent is provided written notice of the determination with respect to eligibility in the most recent evaluation or reevaluation, unless the parent and district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted. When a reevaluation is conducted sooner than three years from the previous evaluation, the reevaluation shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

If a parent provides written consent and the district board of education agrees that a reevaluation is unnecessary, the reevaluation may be waived. If a reevaluation is waived, the date of the parent's written consent shall constitute the date upon which the next three-year period for conducting a reevaluation shall commence.

Prior to conducting any assessment as part of a reevaluation of a student with a disability, the district board of education shall obtain consent from the parent.

Reevaluation shall be conducted when a change in eligibility is being considered, except that a reevaluation shall not be required before the termination of a student's eligibility under this chapter due to graduation or exceeding age 21.

Unless the parent and the board agree to waive a reevaluation, all requirements shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

When a reevaluation is completed:

- A. A meeting of the student's IEP team shall be conducted to determine whether the student continues to be a student with a disability. A copy of the evaluation report(s) and documentation of the eligibility shall be given to the parent at least 10 days prior to the meeting;
- B. If the student remains eligible, an IEP team meeting shall be conducted to review and revise the student's IEP;
- C. By June 30 of a student's last year of eligibility for a program for preschoolers with disabilities, a

SPECIAL EDUCATION (continued)

reevaluation shall be conducted and, if the student continues to be a student with a disability, the student shall be classified according to N.J.A.C. 6A:14-3.5(c) or 3.6(a).

Required Materials and Services

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Related Services (N.J.A.C. 6A:14-3.4)

Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP.

Protection of Students Rights: Evaluation and Reevaluation Procedures (N.J.A.C. 6A:14-3.4 and 3.8)

A due process hearing is an administrative hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services.

In addition, the district board of education or public agency responsible for the development of the student's IEP may request a due process hearing when it is unable to obtain required consent to conduct an initial evaluation or a reevaluation, or to release student records. The district board of education shall request a due process hearing when it denies a written parental request for an independent evaluation in accordance with N.J.A.C. 6A:14-2.5(c).

Procedures shall provide all due process protection for the rights of the student and his/her parents/guardians whether the student is already enrolled in the schools or has been located through the process for identification as described above.

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The superintendent shall develop and present to the board for review and adoption procedures for:

- A. Giving notice to parents/guardians and adult students in accordance with N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians and adult students of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by

SPECIAL EDUCATION (continued)

requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees;

- B. An independent evaluation at the request of the parent/guardian or adult student in accordance with N.J.A.C. 6A:14-2.5(c). Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;
- C. Mediation, a voluntary process that is available to resolve disputes, when disputes arise during any stage of the special education process which cannot be settled between the original parties. A request for mediation shall not be used to deny or delay the right to request a due process hearing. A due process hearing may be initiated by the board of education, a parent/guardian or adult student;
- D. Ensuring that all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of students with disabilities, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

Graduation Requirements (N.J.A.C. 6A:14-4.11)

The IEP of a student with a disability who enters a high school program shall specifically address the graduation requirements. A disabled student must meet all state and local high school graduation requirements according to N.J.A.C. 6A:8-5.1(c) in order to receive a state-endorsed high school diploma except as specified in his/her IEP. When a student has been exempted from any graduation requirement, his/her IEP shall specify which requirements would qualify the student with a disability for the State endorsed diploma issued by the district.

Graduation with a State endorsed diploma is a change of placement that requires written notice in language understandable to the general public, and shall be provided in the native language of the parent/guardian (according to law N.J.A.C. 6A:14-2.3 and as described below). The parent/guardian shall be provided with a copy of the procedural safeguards statement published by the Department of Education (see 6171.4 Exhibit). The parent may resolve a disagreement with the proposal to graduate the student by requesting mediation or a due process hearing prior to graduation. A reevaluation shall not be required.

Beginning at age 14, the individualized education program (IEP) shall include a statement of the state and local graduation requirements that the student shall be expected to meet. The statement shall be reviewed annually. If a student with a disability is exempted from, or there is a modification to, local or state high school graduation requirements, the statement shall include the rationale for the exemption or modification based on the student's educational needs; and a description of the alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma.

The annual review of the IEP for an elementary school student with disabilities shall be completed by June 30 of the student's last year in the elementary school program. The annual review shall include input from the staff of the secondary school. The IEP shall include a statement of the student's transition from an elementary program to the secondary program which shall be determined by factors including number of years in school; social, academic and vocational development; and chronological age.

If a district board of education grants an elementary school diploma, a student with a disability who fulfills the requirements of his or her IEP shall qualify for and receive a diploma.

Students with disabilities who meet the standards for graduation shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

Assessment (N.J.A.C. 14-4.10)

SPECIAL EDUCATION (continued)

The board shall ensure that all students with disabilities participate in statewide assessments in each content area of the general statewide assessment for their grade. Accommodations or modifications approved by the Department of Education shall be provided when determined necessary by the IEP team. Students with disabilities shall participate in the alternate proficiency assessment in each content area where the nature of the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the general statewide assessment and the student cannot complete any of the types of questions on the assessment in the content area(s) even with accommodations and modifications.

A statement of any individual modifications in the administration of statewide or districtwide assessments of student achievement needed for the student to participate in such assessment shall be included in the student's IEP. If the IEP team determines that the student shall not participate in a particular general statewide or districtwide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the student according to N.J.A.C. 6A:14-4.10 and a statement of how that student shall be assessed and which assessment methodology is appropriate for the student shall be included in the student's IEP.

Following the 11th grade, students with disabilities who are required to pass a Department of Education approved high school proficiency assessment for graduation and have not done so shall participate in the dynamic learning map (DLM; formerly SRA and APA) in accordance with N.J.A.C. 6A:8. If a student is participating in a Department of Education alternative proficiency assessment determined by the IEP team, the student shall not be required to again participate in the high school proficiency assessment and pass that assessment.

Compilation, Maintenance, Access to and Confidentiality of Student Records (see board policy 5125 Student Records, N.J.A.C. 6A:32-7.4 through -7.6).

The board directs that the names and other personally identifiable data concerning students with disabilities shall be kept confidential and shall not be included in the public acts and public records of this district. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of students with disabilities on whose behalf the board of education must take public action. Motions concerning disabled students made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6A:32-7.1.

The superintendent or his or her designee shall be responsible for the security of student records maintained in the school district and shall devise procedures for assuring that access to such records is limited to authorized persons.

The student records shall be maintained according to N.J.A.C. 6A:32-7 and board policy 5125 Student Records.

- A. The parent/guardian, adult student or their designated representative shall be permitted to inspect and review the contents of the student's records maintained by the district board of education under N.J.A.C. 6A:32 without unnecessary delay and before any meeting regarding the IEP.

Any consent required for students with disabilities under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "consent" and 2.3(a) and (b) as follows:

1. The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.

SPECIAL EDUCATION (continued)

2. When a parent refuses to provide consent for implementation of the initial IEP, no IEP shall be finalized and the board may not seek to compel consent through a due process hearing. However, if a parent refuses special education and related services on behalf of a student, the board shall not be determined to have denied the student a free, appropriate public education because the student failed to receive necessary special education and related services nor shall the board be determined in violation of its child-find obligation solely because it failed to provide special education or related services to a student whose parents refused to provide consent for implementation of the initial IEP. If a parent refuses to provide consent and the district and the parent have not agreed to other action, prior to conducting any assessment as part of an initial evaluation or reevaluation and prior to the release of student records the district may request a due process hearing according to N.J.A.C. 6A:14-2.7(b) to obtain consent.
- B. Records may be released with the consent of the parent/guardian or adult student having legal responsibility for educational decision making. Consent shall be agreed to in writing. The board shall ensure that the parent/guardian or adult student having legal responsibility for educational decision making:
1. Has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language or other mode of communication;
 2. Understands and agrees in writing to the implementation of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom;
 3. Understands that the granting of consent is voluntary and may be revoked at any time; and
 4. If the parent/guardian or adult student having legal responsibility for educational decision making revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked).
- C. To ensure proper accessibility and confidentiality, the records of students with disabilities shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 Student Records in general. To assure the security of special education records:
1. Provision shall be made for access and security of electronic records of students with disabilities;
 2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with State Board of Education regulations.

For the district's general policy and regulation on student records see 5125, which deals with all requirements common to students with disabilities and general student records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.

Procedural Safeguards (N.J.A.C. 6A:14-2.3 through -2.4):

The board of education directs the superintendent to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

- A. Ensuring that the rights of a student are protected through the provision of an individual to act as surrogate for the parent and assume all parental rights when a parent cannot be identified, located, and

SPECIAL EDUCATION (continued)

agency of the State has guardianship of the student, or the student is an unaccompanied homeless youth;

- B. Giving notice to parents/guardians per N.J.A.C. 6A:14-2.3 when an initial request is being made for consent prior to conducting any assessment as part of the initial evaluation; prior to the implementation of the initial IEP; prior to conducting any assessment as a part of a reevaluation; prior to the release of student records; each time the board seeks access to private insurance; when a member of the IEP team is excused from participating in a meeting; when the IEP is amended; and when a parent or the board agree to waive a reevaluation. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to legal fees;
- C. Seeking consent of parents/guardians, when such consent is required by law and this policy;
- D. Seeking parent/guardian participation in conferences and determinations as required by law and this policy, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
- E. Protection in the evaluation procedures including the use a variety of assessment tools and strategies to gather relevant functional and developmental information; valid measures that are not racially or culturally discriminatory; assessments that are administered in the language and form most likely to yield accurate information; assessment all areas of suspected disability; and other provisions of N.J.A.C. 6A:14-2.5;
- F. Ensuring that a parent shall be entitled to only one independent evaluation at public expense each time the board conducts an initial evaluation or reevaluation with which the parent disagrees;
- G. Ensuring mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties;
- H. Providing for a due process hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services;
- I. Discipline, suspension and expulsion procedures for up to 10 consecutive or cumulative school day that are subject to the same board procedures as nondisabled students. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager and the student's parent(s);
- J. Protection of student information and the maintenance of student records according to board policy 5125 Student records and law (N.J.A.C. 6A:32-7);
- K. Except as provided in N.J.A.C. 6A:14-6.1(a) and required by an administrative law judge when the district failed to provide a free and appropriate education, the board shall not be required to pay for the cost of education, including special education and related services, of a student with a disability if the district made available a free, appropriate public education and the parents elected to enroll the student in a nonpublic school, an early childhood program, or an approved private school for students with disabilities;
- L. Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational

SPECIAL EDUCATION (continued)

program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP;

- M. The superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports;
- N. These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- O. To implement achievement of the board's goal for provision of special education, the superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds;
- P. Complying with other aspects of the district program for special education and/or requirements of N.J.A.C. 6A:14.

Written Plan

To implement achievement of the board's goal for provision of special education, the superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the board of education and the executive county superintendent, the superintendent shall implement it in this district and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

In general, students with disabilities are subject to the same disciplinary constraints and sanctions as nondisabled students. However, before disciplinary action is taken against an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

A disabled student may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. The building principal/designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:

- A. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal;

SPECIAL EDUCATION (continued)

- B. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.

Preschool students with disabilities shall not be suspended or expelled.

Procedures for imposing and implementing disciplinary sanctions on students with disabilities, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7 and Appendix A)

(See board policy 5114 Suspension and Expulsion)

Disabilities Services Resource (all school districts with grades nine through 12) N.J.S.A. 18A:46-7.3

The board shall designate at least one staff member to serve as a disability services resource for parents. The designated staff member shall be able to demonstrate competency in the various services available through State agencies that serve persons with disabilities, and shall provide information to parents about how to access the services and assistance to parents in contacting the appropriate State agency. The district shall conduct outreach activities to ensure that the parents of children who receive special education services in the district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

Early Intervention

When an IEP is developed for a child age three who has been enrolled in an early intervention program and it is determined that the district shall provide a free, appropriate public education for that student by continuing the program in the early intervention program for the balance of that school year the board shall be responsible to ensure:

- A. That a free, appropriate special education and related services to students with disabilities is provided in accordance with N.J.A.C. 6A:14-1.1(d);
- B. A contractual agreement shall be provided between the board and the early intervention program;
- C. Personnel shall be appropriately certified and, if required, licensed; and
- D. Applications for exceptions to program and instruction requirements according to N.J.A.C. 6A:14-4.9 shall be made whenever necessary.

When a child who has been enrolled in the early intervention program requires an extended year program, the district may contract with the early intervention program for the provision of that program.

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs will experience a smooth transition and have an individualized education program developed and implemented.

Preschool Disabled Program

The superintendent shall develop and propose for board adoption programs and related services for students ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

SPECIAL EDUCATION (continued)Nonpublic Schools (N.J.A.C. 6A:14-6.1, -6.2)

The board shall provide a genuine opportunity for the equitable participation of students with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall be provided with the consent of parents/guardians.

The board shall make the final decisions with respect to the services to be provided to eligible students with disabilities enrolled in nonpublic schools or early childhood programs and spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

The district, after timely and meaningful consultation with representatives of nonpublic schools, shall undertake a child find process in accordance with IDEA and its implementing regulations to determine the number of parentally placed children with disabilities attending nonpublic schools located within the district.

As part of the child find process, the district board of education shall consult with private school representatives and representatives of parents of parentally placed nonpublic school children with disabilities in the design and development of special education and related services for such children.

Students identified as having disabilities attending nonpublic schools located in this district shall receive programs and services as specified in N.J.A.C. 6A:14- 6.2.

Placement Private Schools (N.J.A.C. 6A:14-7.5)

When the board places a student with a disability in an approved residential private school inside or outside the district or state in order to provide the student a free, appropriate public education, such placement shall be at no cost to the parent. The board shall be responsible for special education costs, room and board.

Native Language

Students who do not speak English; speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language; or speak some English but are more capable of performing school work in their native language, may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the district for every child. Evaluation procedures shall be selected so that the student's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment. All actions regarding parent/guardian notification, consent and participation shall be provided in the native language of the parent, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Staff Qualifications and Staff Development (N.J.A.C. 6A:14-1.2(b)13, 14)

All personnel serving students with disabilities shall be appropriately certified and licensed according to the State certification standards N.J.A.C. 6A:9B-11.4, where a license is required, in accordance with State and Federal law.

The superintendent shall ensure that the in-service training need for professional and paraprofessional staff who provide special education, general education or related services are identified. Appropriate in-service training shall be provided. The board directs the superintendent to maintain information to demonstrate district efforts to:

SPECIAL EDUCATION (continued)

- A. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
- B. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
- C. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
- D. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
- E. Provide for joint training activities of parents and special education, related services and general education personnel.

Cooperation with Other Agencies

The superintendent shall investigate the possibilities of working with organizations and agencies providing services for students with disabilities, and shall present feasible programs and relationships to the board for consideration.

Parent Advisory Council (N.J.A.C. 6A:14-1.2(h))

The board shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities.

Annual Reports

Annually, the board shall submit to the Department of Education a report describing the special education programs and services provided. The end of the year report shall include the numbers of nonpublic school students provided each program or service and such other information as may be required by the Department of Education.

Eligibility for State and Federal Funds

The superintendent shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Access

In addition to educational programs, the board directs that the superintendent take into consideration physical access to district facilities for students, staff and the community with disabilities in determining location of programs or planning new facilities per state and federal law.

Adopted:	June 12, 2022, January 9, 2008, March 11, 2009, April 12, 2017, January 2, 2019
NJSBA Review/Update:	May 2022
Readopted:	January 4, 2023

SPECIAL EDUCATION (continued)

Key Words

Special Education, Disabled, Graduation Requirements, Records, Student Records, Student Records, Special Education Student Records, Parent Advisory Group

SPECIAL EDUCATION (continued)**6171.4 Special Education Policy Crosswalk**

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SPECIAL EDUCATION (continued)

ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

**BOARD OF EDUCATION POLICIES AND PROCEDURES
FOR ELIGIBILITY UNDER PART B OF THE IDEA
FOR 2016-2017**

PART I - POLICIES

COUNTY CODE: 33 **COUNTY NAME:** Salem

DISTRICT CODE: 4630 **DISTRICT NAME:** Salem City School District

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall adopt and assure compliance with the following policies:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14- 3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Policy #4:

An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Policy #5:

To the maximum extent appropriate students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Policy #6:

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Policy #7:

SPECIAL EDUCATION (continued)

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Policy #8:

The rules set forth in N.J.A.C. 6A:14 ensure a free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school:

1. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
2. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
3. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
4. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and
5. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Policy #11:

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

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1 and N.J.A.C. 6A:14-7.5(b)3.

Policy #14:

SPECIAL EDUCATION (continued)

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law, pursuant to N.J.A.C. 6A:14-1.2(b)13.

Policy #15:

Pursuant to N.J.A.C. 6A:14-1.2(b)4, the in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education 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, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Policy #18:

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14-1.2(b)18.

Policy #19:

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

***Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services as required by N.J.A.C. 6A:14-3.7(c)4.

SPECIAL EDUCATION (continued)***Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq.

PART II – PROCEDURES

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall assure compliance with the following policies and related procedures below:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

AND

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

AND

Policy #7:

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Pursuant to 20 U.S.C. §1412(a)(3), procedures to locate students with disabilities (child find) must ensure that:

1. Person(s) responsible to conduct child find activities are identified.
2. Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.
5. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.
6. Child find activities for nonpublic school students are comparable to activities conducted for public school students.
 - a. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.
7. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.

SPECIAL EDUCATION (continued)**For charter schools, renaissance schools or state agencies, procedures must ensure that:**

1. Child find activities are limited to the population of students enrolled in the charter or renaissance school or served by the state agency.
2. Person(s) to conduct child find activities are identified.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.

Procedures for interventions in the general education program must ensure that:

1. Criteria/steps for initiating interventions in the general education program are identified.
2. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.
3. Activities are in place to determine whether the interventions are effective.
4. School personnel who are responsible for the implementation/evaluation of the interventions are identified; and
5. The type, frequency, duration and effectiveness of the interventions are documented.

Procedures for referral must ensure that:

1. Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.
2. Steps are in place to refer students directly to the child study team when warranted.
3. Steps are in place to refer students who may have a disability but are advancing from grade to grade.
4. Steps for initiating a referral to the child study team by school personnel identify:
 - a. The information/documentation of student performance required in the referral;
 - b. Forms, if any, that are to be submitted by school personnel;
 - c. School personnel who are responsible to process referrals; and
 - d. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
5. Steps for processing written referrals received from parents identify:
 - a. School personnel who are responsible to process referrals from parents; and
 - b. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
 - c. School personnel, parents and agencies are informed of referral procedures.

For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:

1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:
 - a. The parent of the student cannot be identified or located.
 - b. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.
 - c. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.
 - d. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.
 - e. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a

SPECIAL EDUCATION (continued)

surrogate parent for the student.

2. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.
3. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
 - a. Determine whether there is a need for a surrogate parent for a student;
 - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
 - c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.
4. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.
 - a. The district will appoint a person that will be responsible for training surrogate parents;
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
 - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
5. The district will ensure that:
 - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
 - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
 - c. All persons serving as surrogate parents are at least 18 years of age;
 - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
 - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.

SPECIAL EDUCATION (continued)**Policy #4:**

An individualized education program is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.6 and 3.7, no additional written procedures are required.

Policy #5:

To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.2, no additional written procedures are required.

Policy #6:

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.10, no additional written procedures are required.

Policy #8:

A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:

1. School officials responsible for implementing suspensions/expulsions in the district are identified.
2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.
3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
4. Suspension from transportation is counted as a day of removal if the student does not attend school.
 - a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.
5. Removal for at least half of the school day is reported via the Student Safety Data System (SSDS).

SPECIAL EDUCATION (continued)

6. If the district has an in-school suspension program, participation in the program is **not** considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:
 - a. Opportunity for the student to participate and progress in the general curriculum;
 - b. Services and modifications specified in the student's IEP;
 - c. Interaction with peers who are not disabled to the extent they would have in the current placement; and
 - d. The student is counted as present for the time spent in the in-school suspension program.
7. When a series of short-term removals will accumulate to more than 10 school days in the year:
 - a. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;
 - b. Written documentation of the consultation between school officials and the case manager is maintained;
 - c. If it is determined that there is no change in placement, school officials, the case manager and special education teacher 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; and
 3. Written documentation of the consultation and services provided is maintained.
8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004 20 U.S.C. §1415 et seq.

Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:

Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include:

1. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)
2. Having a program in place no later than 90 calendar days from the date of consent.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:

A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

1. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and
2. The use of functional assessment information supports the IEP team's determination.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.3

SPECIAL EDUCATION (continued)

1. A child study team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:
 - a. Review the Part C Individualized Family Service Plan for the child;
 - b. Provide the parent(s) written district registration requirements;
 - c. Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and
 - d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.
2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.

Policy #11:

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

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:32-7, no additional written procedures are required.

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-6.1 and 6.2, no additional written procedures are required.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1 and 7.5(b)3, no additional written procedures are required.

Policy #14:

SPECIAL EDUCATION (continued)

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.

Policy #15:

The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education 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, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)14, no additional written procedures are required.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner.

Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.

SPECIAL EDUCATION (continued)**Policy #18:**

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.

Policy #19:

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

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.5(d), no additional written procedures are required.

***Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-3.7(c)4, no additional written procedures are required.

***Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq. The district board of education shall maintain information to demonstrate its efforts to:

1. Select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities;
2. Ensure that each student enrolled in the district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using the selected screening tool no later than the student's completion of the first semester of second grade;
3. Develops a procedure to screen eligible newly-enrolled students in accordance with the legislation;
4. Ensures the screening is administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities; and
5. Ensures that students who are diagnosed with dyslexia or other reading disability receive appropriate evidence-based interventions.

Legal References: N.J.S.A. 10:5-1 et seq.
N.J.S.A. 18A:46-1 et seq.

Law Against Discrimination
 Classes and Facilities for Handicapped Children

SPECIAL EDUCATION (continued)See particularly:N.J.S.A. 18A:46-13N.J.S.A. 18A:46A-1 et seq.N.J.A.C. 5:23-1 et seq.N.J.A.C. 6A:7-1.7N.J.A.C. 6A:8-1.2N.J.A.C. 6A:8-1.3N.J.A.C. 6A:8-3.1N.J.A.C. 6A:8-4.1 et seq.N.J.A.C. 6A:8-5.1 et seq.N.J.A.C. 6A:9B-1.1 et seq.See particularly:N.J.A.C. 6A:9B-11.4N.J.A.C. 6A:14-1.1 et seq.N.J.A.C. 6A:15-1.4N.J.A.C. 6A:23A-1.1 et seq.See particularly:N.J.A.C. 6A:23A-17.4 to -17.7,
-18.1 et seq.N.J.A.C. 6A:26-6.1 et seq.N.J.A.C. 6A:30-1.1 et seq.N.J.A.C. 6A:32-7.1 et seq.N.J.A.C. 6A:32-8.3N.J.A.C. 6A:33-1.1 et seq.

Auxiliary Services

Uniform construction code

Equality in school and classroom practices

Scope

Definitions

Curriculum and instruction

Implementation of the Statewide Assessment
System

Implementation of Graduation Requirements

State board of examiners and certification

Teacher of students with disabilities

Special Education

Bilingual programs for limited English proficient
studentsFiscal accountability, efficiency and budgeting
proceduresPlanning and Construction Standards for School
Facilities

Evaluation of the Performance of School Districts

Student Records

School attendance

School attendance

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act,
P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 197334 CFR 76.1 et seq. - General Administrative Regulation EDGAR34 CFR 77.1 et seq. - General Administrative Regulation EDGAR34 CFR 300 - Assistance to States for the Education of Children with Disabilities
(IDEA Regulations)International Building Code 2015, New Jersey Edition; First Printing: September 2015;
ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402
(1985)Honig v. Doe, 484 U.S. 305 (1988)Oberti v. Board of Education of Clementon School District, 995 F.2d 1204,
1216-17 (C. A.3 1993)

SPECIAL EDUCATION (continued)Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)**Possible**

<u>Cross References:</u>	*1120	Board of education meetings
	*4112.2	Certification
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5125	Student records
	*5131	Conduct/discipline
	*5200	Nonpublic school students
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities
	*6151	Class size
	*6164.2	Guidance services
	*6164.4	Child study team
	*9322	Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

SPECIAL EDUCATION

Determination of Eligibility for Special Education and Related Services:

Determining a "significant discrepancy analysis procedure formula" for classifying district pupils under the criteria of: "Specific Learning Disability." In compliance with NJSA 6A:14- 3.5-11, i., ii., iii "Determination of Eligibility for Special Education and Related Services." is a required part of the current New Jersey Special Education Code, which mandates that each local district adopt these procedures.

Procedures:

Pupils who are being considered to be Eligible for Special Education and Related Services under the criteria of "specific learning disability" will have a minimum of two evaluations conducted to assess a pupil's current cognitive functioning (psychological evaluation) and academic/achievement levels (learning evaluation). Input from a social history, speech/language assessment or any other completed evaluation reports will also be considered.

A computer generated statistical analysis will be conducted prior to the eligibility conference. A learning specialist, psychologist, Director of Special Education or other team member familiar with the test findings will interpret the results. The specialists will compare the current achievement scores in reading, math, and written language. Additionally, the learning specialist's or speech and language pathologists' report(s) will provide information regarding a student's current listening, comprehension, and oral expression skills. For a discrepancy to be significant it should be 1.5 standard deviations of difference, e.g. F.S.I.Q. =100, standard score in reading/math/written language = 78 for pupils in the 3rd through 8th grades. For students in Kindergarten through the 2nd grade, the significant difference will be 1.25 standard deviations or 19 points of difference. This is a simple difference method and is in accordance with current professional standards.

The district also supports using multiple measures of data, i.e. standardized test scores, report card grades, portfolio assessments, and other standardized and achievement test data to determine current academic achievement. Additionally, the professional judgment of the evaluators will also be incorporated into the determination as delineated in NJAC:6A:14-3.5 i,ii,iii.

The Eligibility Team comprised of the Child Study Team members, regular and Special Education teachers, the Superintendent of Schools or the Special Education Director (optional) and the parent(s)/guardian(s) will then review all of the evaluation findings. The team will jointly make the decision regarding determination of Eligibility for Special Education and Related Services under the criteria of "specific learning disability".

The "specific learning disability" will be characterized by the measured severe discrepancy as defined in this policy between the pupil's current achievement and intellectual ability in one or more of the following areas:

- a. Basic Reading Skills
- b. Reading Comprehension
- c. Oral Expression
- d. Listening Comprehension
- e. Mathematical Computation
- f. Mathematical Reasoning

g. Written Expression

The term “specific learning disability” will not apply to pupils who have learning problems which are primarily the result of visual, hearing, or motor disabilities, general cognitive deficits, emotional disturbance, or environmental, cultural, or economic disadvantage.

Students who have exhibited one or more potential indicators of dyslexia or other reading disabilities shall be screened no later than the student’s completion of the first semester of second grade.

Policy

SPEECH CORRECTION

The Salem City Board of Education directs the superintendent to ensure that protocols are implemented for the identification of students needing speech and language services. The certified speech-language specialist shall evaluate the identified students to determine the student's eligibility for speech and language services.

The certified speech-language specialist shall be responsible for the implementation of the following procedures:

- A. The speech-language specialist shall not implement interventions in the regular education program prior to the student being identified including intervention strategies implemented to substantiate the fact that the student's speech/language needs cannot be met through resources available within the regular education setting;
- B. Student shall be referred to the speech/language specialist according to the following procedures:
 - 1. The identification referral shall be sent in writing to the speech/language specialist by parent/guardian, teacher, outside agency, child study team, or following new student screenings or vision and hearing screenings;
 - 2. Upon notification of referral, the parent/guardian will be sent a copy of Parental Rights in Special Education (PRISE), notification of referral review meeting and parent information sheet.
- C. Initial pre-evaluation meeting with speech/language specialist, classroom teacher, and parents/guardians shall be conducted to determine if an evaluation is warranted:
 - 1. If an evaluation is warranted, a course of action and an evaluation plan is developed and consent to evaluate is obtained at this meeting;
 - 2. The parent/guardian shall receive a copy of the evaluation plan in the form of a written notice and the parents will be asked to sign for consent to evaluate. The written notice must be sent within 15 calendar days of the meeting;
 - 3. If evaluation is deemed not warranted at this time, reasons for the determination are placed in writing to the parents/guardian) within 15 calendar days of the meeting.
 - 4. The parents/guardians shall also receive the PRISE and the New Jersey Administrative Code at this meeting;
 - 5. If there is a disagreement among the members of the team that cannot be resolved at this meeting, either party may request mediation and/or due process hearing;
 - 6. If a speech/language evaluation is recommended, this assessment shall include an evaluation in the suspected area of disability (articulation, phonology, voice and fluency). The following components shall be completed:
 - a. A structured observation in other than a testing session;
 - b. An interview with the student's parents/guardians;
 - c. An interview with the classroom teachers;
 - d. An interview with the student;
 - e. A review of the student's developmental/educational history;
 - f. A review of the interventions documented by the classroom teachers and others who work with the student;
 - g. One or more formal measures;
 - h. Sample of the student's spontaneous speech;
- D. A comprehensive evaluation may be conducted as determined by the evaluation plan:

SPEECH CORRECTION (regulation continued)

1. Upon receipt of parental permission, a comprehensive speech/language evaluation is conducted;
2. This evaluation and program implementation must be completed within 90 day;
3. If the speech/language specialist accepts the report and evaluation of another public school speech/language specialist, clinic or agency approved by the Department of Education or a professional in private practice, such acceptance must be noted in writing and will be made part of the student's speech/language file;

E. A determination of eligibility for classification may be issued:

1. All members of the IEP team shall receive notice of evaluation summary – eligibility -IEP meeting. A copy of PRISE accompanies the written notification of this meeting;
2. This meeting shall be scheduled at the convenience of the parents/guardians and shall include a regular education teacher, speech/language specialist, parents/guardians, student, if appropriate, and another persons who is knowledgeable about the student (district representative);
3. All evaluations are to be made available to parents/guardians, if requested 10 prior to the eligibility meeting. Parents/guardians have to request evaluations at least 15 days prior to the meeting. Parents/guardians must receive a copy of the speech/language evaluation report at this meeting;
4. Eligibility for speech/language services will be determined by definition of the disability as stated in the special education code. Classification of eligibility for speech/language services (ESLS) and the specific category denoting articulation, voice, or fluency;
5. A statement concerning eligibility must be given in writing to the parents/guardians. Parents/guardians may challenge the determination and request ether mediation or due process hearing;
6. If a student is found to be ineligible for speech/language services by the IEP team, a written statement why the student is found to be ineligible must be provided to the parents/guardians along with a copy of PRISE;
7. If a student is found to be eligible for speech/language services, the IEP team may determine that it is appropriate to develop an IEP at this time. If so determined, the parents/guardians will denote agreement by written consent.

Definition of Language Disability

N.J.A.C. 6A:14-3.5(c),4 defines the disability category of “communication impaired” as:

A language disorder in the area of morphology, syntax, semantics, and /or pragmatics/discourse, which adversely affects a student's educational performance and is not due primarily to an auditory impairment. (An auditory impairment in this case refers to a peripheral hearing loss diagnosed by an otolaryngologist – not difficulty in auditory processing for receptive language **N.J.A.C.** 6A:14-3.5(c),1.)

Adopted: January 9, 2008, January 2, 2019
 NJSBA Review/Update: May 2022
 Readopted: January 4, 2023

Key Words

Instructional Arrangements, Instruction

Legal References: **N.J.S.A** 18A:33-1 Facilities
N.J.A.C. 6A:13-2.1 Standards based instruction

Possible

Cross References: *6010 Goals and Objectives
 *6147 Standards of Proficiency
 *6151 Class Size

*Indicates policy is included in the **Critical Policy Reference Manual**.

Policy

SECTION 504

The Salem City Board of Education is committed to protecting persons from discrimination based upon their disability status in full accordance with Section 504 of the Rehabilitation Act of 1973. A person is disabled within the definition of Section 504 when he or she has a mental or physical impairment which substantially limits one or more of a person's major life activities; the impairment must impact the child's education.

The board shall endeavor to provide services for all students with disabilities in accordance with Section 504, in order to make available an optimal learning experience for the students affected by disability. Section 504 covers a wide range of disabilities that includes physical or mental disability which substantially limits one or more of life's major activities and impacts education: for example individuals diagnosed as having asthma, HIV, Tourette's syndrome, heart malfunctions, communicable diseases, urinary conditions, blood disorders, chronic fatigue syndrome, school phobia, respiratory conditions, blood/sugar disorders, post traumatic disorders, (with health issues that affect ability to learn), epilepsy, cancer, birth defects, tuberculosis, etc.

The district does not discriminate on the basis of disability with regard to admission, access to services, treatment or employment in its programs or activities based on the requirements outlined in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). The definition of an "individual with a disability" is a person who: has a mental or physical impairment which substantially limits one or more major life activities, such as seeing, hearing, speaking, breathing, learning, or working; or has a record of such impairment; or is regarded as having such an impairment.

Eligibility

Section 504 requires that the district evaluate "any person who, because of a disability, needs or is believed to need special education or related services." An evaluation is also required prior to any significant change in placement.

The district will evaluate students, identify student eligibility according to 504 law, and provide accommodations so that those eligible receive a free appropriate education. Parents/guardians of all students are entitled to and will receive procedural safeguards, including individual notice and an impartial hearing. No discrimination against any person with a disability will be knowingly permitted in any of the programs and practices of the district.

In order to determine eligibility for Section 504 services major life activities including functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working must be affected by the disability. When a condition does not substantially limit a major life activity, the individual does not qualify under Section 504.

A parent/guardian who believes that, because of a disability as defined under Section 504, a child needs general or special education or related aids and services in order to participate in the school program may request an evaluation.

Eligibility is determined by an evaluation team consisting of the principal, school nurse, guidance counselor, affirmative action officer, classroom teacher and/or other individuals who are familiar with the student. Evaluations conducted under Section 504 may include a review of the student's testing and assessment history, behavioral record, academic records and medical records. Additional multi-disciplinary testing may also be required to evaluate the existence of a substantial limitation and/or impact on the child's education.

The results of the evaluation are shared with the parent/guardian at a team meeting. If it is determined that a child is eligible under Section 504, the school shall develop and implement the delivery of all needed services or accommodations.

SECTION 504 (continued)Procedural Safeguards

Under Section 504 of the Rehabilitation Act of 1973 Section 504 prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. Each parent or guardian of a child being served under 504 or ADA or considered for such service are guaranteed all of the FERPA. These rights include, but are not limited to:

- A. The right to file a grievance over alleged violation of Section 504;
- B. The right to be represented by counsel in the impartial hearing process ;
- C. To receive information in your native language or primary mode;
- D. The right to have an evaluation that draws information from a variety of sources;
- E. The right to be notified of any proposed action related to eligibility or 504 plan;
- F. The right to periodic reevaluations and an evaluation before any significant change in program or eligibility;
- G. The right for students to be given an equal opportunity to participant in nonacademic and extracurricular activities offered by the district.

Services

Services or accommodations will be developed with the evaluation team, the parents/guardians and the student when appropriate. The decisions about Section 504 eligibility and services shall be documented in the child's record and reviewed periodically.

Appeals/Grievance Procedure

Appeals of the recommendations of the multi-disciplinary team regarding 504 services will be resolved via mediation wherever possible. The initial level of local mediation will be provided by the building principal. Should an impartial due process hearing be required to resolve the dispute, the appeal will be heard by a Board appointed hearing officer. Hearing request must be made in writing to the district Section 504 compliance coordinator.

Definitions

A grievance is a claim by a student, parent(s)/guardians(s), or other representative(s) of the student based upon interpretation and/or application that a violation of Section 504 of the Rehabilitation Act of 1973 has occurred.

A grievance, to be considered under this procedure, must be initiated by the student, parent(s)/guardian(s), or other representative(s) within (30) days of the time the student and/or parents/guardians knew, or should have known, of its occurrence.

A grievant is the person or persons making the claim.

The purpose of this procedure is to secure, at the lowest level, equitable solutions to problems which may arise under the provisions of Section 504 of the Rehabilitation Act of 1973.

Procedure

SECTION 504 (continued)**Step 1**

A student, parent/guardian grievant, or their representative(s) shall first discuss the alleged grievance with the principal/immediate supervisor.

Step 2

If, after consultation with the school nurse, and guidance counselor, a satisfactory solution has not been reached within seven (7) calendar days, a written formal grievance, designating the grievance and all parties to the grievance may be filed with the principal. The grievant shall in writing state the remedy or solution sought.

The grievant must submit a grievance on the attached form. This form may be secured at the school office as well as the office of the school nurse, the designated affirmative action officer. If such written formal grievance is not filed with seven (7) calendar days after the initial discussion in Step 1, the grievance shall be considered waived.

Step 3

If the grievant is not satisfied with disposition of his/her written grievance, Step 2, or if no decision has been remedied within seven (7) calendar days after presentation of the written grievance, he/she may file the grievance in writing with the chief school administrator. The superintendent shall render a decision within twenty (20) calendar days.

Step 4

If the grievant is not satisfied with the resolution of the grievance at Step 3, then the grievance shall be submitted in writing to the board of education within seven (7) calendar days of receipt of the decision of the chief school administrator, and the board shall render a decision in writing within thirty (30) calendar days after the submission of the said grievance.

The grievant can request an appearance before the board of education. The board will decide if an appearance is appropriate on a case-by-case basis. The appearance shall be limited to fifteen (15) minutes. When an appearance occurs, the board shall render a decision within thirty (30) calendar days of the appearance.

Adopted	December 9, 2009, January 19, 2019
NJSBA Review/Update:	May 2022
Readopted	January 4, 2023

Key Words

Grievance, Section 504, Grievant, Rights

<u>Legal References:</u>	N.J.S.A. 2C:16-1	Bias Intimidation
	N.J.S.A. 10:5-1 <u>et seq.</u>	Law Against Discrimination
	N.J.S.A. 18A:36-20	Discrimination; prohibition
	N.J.S.A. 18A:38-5.1	No child to be excluded from school because of race, etc.
	N.J.A.C. 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	<u>See particularly:</u>	
	N.J.A.C. 6A:7-1.4, -1.7	
	N.J.A.C. 6A:16-6.3(e)	Reporting students or staff members to law enforcement Authorities
	N.J.A.C. 6A:17-1.1 <u>et seq.</u>	Students At-Risk of Not Receiving a Public Education

SECTION 504 (continued)

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Davis v. Monroe County board of education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

20 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)--Part B

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools board of education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.A.S. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224 Nondiscrimination/affirmative action
	*4111.1 Nondiscrimination/affirmative action
	*4211.1 Nondiscrimination/affirmative action
	*5145.4 Equal Educational Opportunity
	*5145.6 Pupil Grievance Procedure
	*6121 Nondiscrimination/affirmative action
	*6141 Curriculum design/development
	*6145 Extracurricular activities
	*6161.1 Guidelines for evaluation and selection of instructional materials
	*6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

ALTERNATIVE EDUCATION PROGRAMS

The Salem City Board of Education endeavors to provide an education program adjusted to the needs of the individual child within the financial means of the district. Grouping enables a more efficient use of staff in meeting these needs. Program adaptations provide another means of using staff efficiently and effectively to meet the needs of many children.

The board of education recognizes that the active engagement of each student is a primary requisite for sound teaching and learning to take place. When a child is unable to benefit from the educational program the board shall make a determination of the student's risk for school failure and a decision regarding the student's placement in an alternative education program. For general education students the determination shall be based on the following, including but not limited to:

- A. The student's academic, health and behavioral records, including the student's IPP, if one has been developed and the results of available testing, assessment or evaluation of the student;
- B. Consultation with and notice to the student's parent/guardian; and
- C. Information provided by the school-based multidisciplinary team responsible to provide intervention and referral services (see board policy 6164.1 Intervention and Referral Services).

Decisions regarding the placement of a student with a disability in an alternative education program, shall be based on the recommendation of the child study team and consistent with the student's individualized education program (IEP).

Alternative Education Programs

Alternative education programs shall be approved by the Commissioner of Education. Each alternative education program shall fulfill the program criteria that are specified in N.J.A.C. 6A:16-9.2 including but not limited to:

- A. A maximum student-teacher ratio of 12:1 for high school programs;
- B. A maximum student-teacher ratio of 10:1 for middle school programs;
- C. An Individualized Program Plan (IPP) shall be developed for each general education student enrolled in the program; and
- D. For students with disabilities the alternate education program shall be consistent with the student's Individualized Education Program (IEP).

Individualized Program Plan (IPP)

The IPP shall be developed in consultation with the student's parent and the receiving school district, or an alternative education program within a State agency, public college operated program or department-approved school approved by the Commissioner of Education. as appropriate. The IPP shall:

- A. Be developed by a multidisciplinary team of professionals with knowledge of the student's educational, behavioral, emotional, social and health needs;
- B. Identify the appropriate instructional and support services for addressing the student's identified needs;

ALTERNATIVE EDUCATION PROGRAMS (continued)

- C. Be developed in accordance with the format prescribed by the Commissioner of Education and implemented within 30 calendar days of the student's placement in the alternative education program but need not, be developed prior to the student's placement.

The multidisciplinary team that reviews the IPP shall include district staff and staff from the alternative education program who have knowledge of the student's educational, behavioral, emotional, social and health needs.

The multidisciplinary team shall review and, as appropriate, revise the IPP prior to the completion of the student's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first. Additionally, the multidisciplinary team may review and revise the IPP, as needed, at any time during the student's enrollment in the alternative education program.

The student's parent shall be advised of revisions to the IPP.

Withdrawal From School

The board believes that the educational goals of this district are best implemented by a pupil's exposure to the entire educational program and that every pupil enrolled in this district should be encouraged to complete the program of instruction appropriate to their needs. No pupil below the age of sixteen will be permitted to withdraw from school. No pupil under the age of eighteen will be permitted to withdraw without the written consent of the pupil's parent(s) or legal guardian(s).

Teaching staff members should be alert to identify those pupils who may consider eighth grade graduation the termination of their education and report to the building principal any pupil who indicates an intention to drop out of school before entering ninth grade.

The board directs that efforts be made to determine the underlying reason for a pupil's decision to withdraw from school before the completion of the instructional program. Counseling services and information regarding high school equivalency programs will be made available to any pupil sixteen years of age or older who decides to withdraw from school before completion of the requirements for a diploma. A pupil, eighteen years of age or younger, who has withdrawn from school may apply for and be granted readmission at the beginning of a school term.

Home Schooling

The board acknowledges the right of parents/guardians to educate their children at home. The board is not required by law to allow a resident child educated elsewhere than at school to participate in the regular school curriculum or in extracurricular or sports activities. The board may:

- A. Allow a child educated elsewhere than at school to participate in curricular and extracurricular activities or sports activities;
- B. Loan books or materials to a child educated elsewhere than at school.
- C. A child educated at home shall not receive a State-endorsed high school diploma from the Salem City Board of Education.

Required Services to Home Schooled Students

When a student of this district is home schooled, the district shall:

ALTERNATIVE EDUCATION PROGRAMS (continued)

- A. Provide payment for tuition when a student is enrolled in a shared-time vocational school program. Once a resident student is enrolled in a shared-time vocational school program the student becomes a public school student;

Note: *The board may consider taking a position to permit or prohibit home schooled students' participation in extracurricular activities and/or the district athletic program. For sample discretionary policy language contact Policy Services at policy@njsba.org.*

- B. Review any written request for a special education evaluation and if warranted conduct an evaluation as described in board policy 6171.4 Special Education and in accordance with the federal special education law, Individuals with Disabilities Education Act (P.L. 108-446 §612).

If the child is eligible for special education and related services, the district shall make a free, appropriate public education available only if the child enrolls in the district. If the child does not enroll in the district, but the district chooses to provide services, the district will develop a plan for the services to be provided.

Removal for Weapons Offenses or Assault

Any student who is convicted or found to be delinquent for the following offenses shall be immediately removed by the principal from the district's regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the board of education to remove the student:

- A. Possessing a firearm on any school property, on a school bus, or at a school-sponsored function; or
- B. Committing a crime while possessing a firearm.

The superintendent shall determine at the end of the year whether the student is to return to the district's regular education program, in accordance with procedures established by the Commissioner of Education.

Any student who assaults a student, teacher, administrator, board member, or other district employee with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative school or program, pending a hearing before the board. The superintendent shall determine when the child shall return to the regular education program.

Adopted: December 12, 2018
 NJSBA Review/Update: April 2022
 Readopted: January 4, 2023

Key Words

Alternative Educational Programs, Home Schooling, At-Risk Students

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:37-1 et seq. Discipline of students
See particularly:
N.J.S.A. 18A:37-2.2
N.J.S.A. 18A:38-1, -25, -31 Attendance at school free of charge
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:8-5.1 Graduation requirements
N.J.A.C. 6A:8-5.2 High school diplomas
N.J.A.C. 6A:14-1.1 et seq. Special Education

ALTERNATIVE EDUCATION PROGRAMS (continued)

<u>N.J.A.C.</u> 6A:16-1.3	Alternative education programs
<u>N.J.A.C.</u> 6A:16-5.5	Removal of students from general education for firearms offense
<u>N.J.A.C.</u> 6A:16-5.6	Removal of students from general education for assaults with weapons
<u>N.J.A.C.</u> 6A:16-9.1 <u>et seq.</u>	Alternative education programs
<u>N.J.A.C.</u> 6A:16-10.1 <u>et seq.</u>	Home or out-of-school instruction for general education students
<u>N.J.A.C.</u> 6A:30-3.2	District performance review
<u>N.J.A.C.</u> 6A:32-12.1 <u>et seq.</u>	Student Behavior
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:32-12.2	

20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 108-446 §612

State v. Vaughn, 44 N.J. 142, 1965

State v. Massa, 95 N.J. Super. 382, 1967

20 USCA Section 8921 Gun Free Schools Act

Possible

<u>Cross References:</u>	*5113	Absences and excuses
	*5114	Suspension and expulsion
	5119	Transfers
	*5131	Conduct/discipline
	*5131.7	Weapons and dangerous instruments
	*5134	Married/pregnant students
	*6142.2	English as a second language; bilingual programs
	*6142.12	Career education
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.4	Special education
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

HOME INSTRUCTION

To provide uninterrupted education for students unable to attend their regular classes because of illness, disability, court order or administrative action, the board of education shall provide away-from-school instruction, when proper application has been made and subject to the following restrictions:

- A. The period of absence must be expected to be longer than two weeks except in special circumstances;
- B. A parent/guardian or appropriate adult authority must be within call during the period of instruction; and
- C. In cases of illness or disability, medical certification is required both of the necessity for the student's absence and for fitness to benefit from the instruction.

Each case must be approved by board action; all requirements for receipt of state aid must be fulfilled. Home instruction shall be available to all qualifying students regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, English proficiency, housing status or socioeconomic status.

Temporary or Chronic Health Condition

The board shall provide instructional services to an enrolled student when the student is confined to the home or another out-of-school setting due to a temporary or chronic health condition or a need for treatment that precludes participation in their usual education setting, whether general education or special education.

The parent/guardian shall submit a request for home instruction in writing. The request shall include a written determination from the student's physician documenting the projected need for confinement at the student's residence or other treatment setting for more than 10 consecutive school days or 20 cumulative school days during the school year.

The principal or his or her designee shall forward the request with the written determination to the school physician, who shall verify the need for home instruction. The school physician may contact the student's physician to secure additional information concerning the student's diagnosis or need for treatment, and shall either verify the need for home instruction or shall provide the board with the reasons for denial. The parent/guardian shall be notified concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the student's physician.

The district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the student's confinement, during the first week of the student's confinement to the home or out-of-school setting. Instructional services shall at a minimum include:

- A. A written plan for delivery of instruction shall be established to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress;
- B. Teachers providing home instruction shall be appropriately certified for subject, grade level and special needs of the student

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HOME INSTRUCTION (continued)

- C. The teacher shall provide one-on-one instruction for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to participate;
- D. For a student with disabilities, the home instruction shall be consistent with the student's individualized education plan (IEP) to the extent appropriate and shall meet the New Jersey Student Learning Standards. When the provision of home instruction will exceed 30 consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the student's IEP;
- E. For a student without disability, the home instruction shall meet the New Jersey Student Learning Standards, and the requirements of the board for promotion to the next grade level. When the provision of home instruction will exceed 60 calendar days, the school physician shall refer the student to the child study team for evaluation;
- F. The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, through online services, including any needed equipment, or through contract with another district board of education, educational services commission, jointure commission, or approved clinic or agency. Students who are eligible to receive home instruction as needed at the district's expense are as follows:
 - 1. A student who resides within the area served by the board and is enrolled in a public school program; or
 - 2. A student who is enrolled in a nonpublic school that is located within the area served by board.

Reasons Other Than a Temporary or Chronic Health Condition

- A. The district shall provide home or out-of-school instruction for a general education student for reasons other than a temporary or chronic health condition no later than five school days after the student has left the general education program when:
 - 1. The student is mandated by State law and rule for placement in an alternative education program for firearms offenses and/or assault with weapons offenses but placement is not immediately available;
 - 2. The student is placed on short-term or long-term suspension;
 - 3. A court order requires that the student receive instructional services in the home or other out-of-school setting.

The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, or through online services, including any needed equipment, or through contract with another board of education, educational services commission, jointure commission, or approved clinic or agency for resident students.

- B. The home or out-of-school instructional services for reasons other than a temporary or chronic health condition shall meet the minimum standards that are specified in N.J.A.C. 6A:16-10.2(d) including but not limited to:
 - 1. The district shall establish a written plan for delivery of instruction and maintain a record of instructional services and student progress;
 - 2. The teacher providing instruction shall be a certified teacher;
 - 3. The teacher shall provide one-on-one instruction for no fewer than 10 hours per week on three separate days of the week and no fewer than 10 hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom;
 - 4. The instruction shall meet New Jersey Student Learning Standards and the board's requirements for

HOME INSTRUCTION (continued)

promotion and graduation;

5. If instruction is delivered in the student's home, a parent or other adult 21 years of age or older who has been designated by the parent shall be present during all periods of home instruction.

Any student receiving home instruction is not considered absent.

Adopted: December 14, 1989, June 12, 2002, January 9, 2008, July 8, 2009,
January 2, 2019
NJSBA Review/Update: May 2022
Readopted: January 4, 2023

Key Words

Bedside Instruction, Home Instruction

Legal References: N.J.A.C. 6A:7-1.7 Equity in school and classroom practices
N.J.A.C. 6A:14-1.1 et seq. Special education
See particularly:
N.J.A.C. 6A:14-4.8, 4.9
N.J.A.C. 6A:16-4.3 Reporting, notification and examination procedures for
students suspected of being under the influence of alcohol
or other drugs
N.J.A.C. 6A:16-5.5 Removal of students from general education for firearms
offenses
N.J.A.C. 6A:16-5.6 Removal of students from general education for assaults
with weapons offenses
N.J.A.C. 6A:16-10.1 et seq. Home or out-of-school instruction
N.J.A.C. 8:61-1.1 Attendance at school by students or adults infected by
Human Immunodeficiency Virus (HIV)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7 State in re G.S. 330 N.J. Super. 338 (Ch. Div. 2000)

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

Cross References: *4112.2 Certification
*5113 Absences and excuses
*5114 Suspension and expulsion
*5131 Conduct/discipline
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*5131.7 Weapons and dangerous instruments
*5134 Married/pregnant students
*5141.2 Illness
*6146 Graduation requirements
*6164.2 Guidance services
*6164.4 Child study team
*6171.4 Special education

HOME INSTRUCTION (continued)

*6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

EARLY CHILDHOOD EDUCATION/PRESCHOOL

The Salem City Board of Education believes that preschool educational experiences contribute to later academic success for all children. Therefore, within the limits of the budget and as required by law, the superintendent shall recommend to the board for approval programs designed for district children under the age required for regular admission. Programs shall address the needs of children who have been identified as requiring special education, as well as of those who have not been so identified.

The preschool curriculum shall consist of developmentally appropriate experiences that provide each child with individual opportunities to develop positive self-esteem, social/emotional growth, language skills, motor development and conceptual skill development.

All preschool programs sponsored by the board shall be consistent with the overall philosophy of the school district and aligned with the New Jersey Student Learning Standards. They shall be coordinated with other relevant district programs such as special education and Title I and articulated with the K-12 curriculum.

Proof of immunizations against communicable diseases and examinations shall be in accord with requirements for kindergarten and first grade admission (see policy file code 5111 *Admission*).

The board of education shall ensure that the preschool program:

- A. Maintains classroom enrollments of no more than 18 children with one certified teacher and one appropriately qualified assistant;
- B. Is developmentally appropriate to the age and skill level of the young child;
- C. Is designed to meet the New Jersey Preschool Teaching and Learning Standards of Quality, the New Jersey Preschool Program Implementation Guidelines and the New Jersey Student Learning Standards;
- D. Includes transition activities, programs, and services between preschool programs and kindergarten programs;
- E. Coordinates with all other relevant school district programs, for example, special education and bilingual education; and
- F. Includes an annual program evaluation.

The preschool programs and curricula shall be based on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include performance-based assessment measures.

The board shall ensure that instructional methods and/or strategies are congruent with the cognitive, social, emotional and physical skills of the young child. Instruction shall balance teacher-directed and child-initiated experiences.

The board shall provide professional development and training specific to preschool education for all early childhood education administrators, teachers and teacher assistants.

The preschool program may be offered within a mixed delivery system that includes in-district, private

EARLY CHILDHOOD EDUCATION/PRESCHOOL (continued)

provider and local Head Start agency settings provided that the private provider and/or local Head Start agency program(s) with which the district board of education contracts comply with the school district's program requirements, including the employment of appropriately licensed and qualified teaching staff.

The preschool program shall include parent education activities in the preschool program with specific strategies identified that assist parents in remaining actively involved in their child's education throughout their school years.

Community health and social service agencies shall be included in the planning, operations and, if appropriate, the fiscal support of the preschool program.

The board shall designate an administrator to oversee the preschool program. He/she shall ensure adherence to all applicable laws and regulations in pursuing funding at the federal and state levels, as well as from private sources.

Adopted: January 8, 2008, January 2, 2019
 NJSBA Review/Update: May 2022
 Readopted: January 4, 2023

*Monitored if the district has an early childhood education program.

Key Words

Developmentally Appropriate Curriculum, Early Childhood Education, Preschool

<u>Legal References:</u>	<u>N.J.S.A. 18A:7F-54</u>	Access to full day preschool; calculation of preschool education aid
	<u>N.J.S.A. 18A:44-4</u>	Funding of Preschool programs
	<u>N.J.A.C. 6A:8-2.1</u>	Authority for educational goals and standards
	<u>N.J.A.C. 6A:8-3.4</u>	Requirements for early childhood education programs
	<u>N.J.A.C. 6A:9B-6.1</u>	Standard certificate
	<u>N.J.A.C. 6A:9B-8.1</u>	Requirements for certificates of eligibility
	<u>N.J.A.C. 6A:9B-9.2</u>	Endorsements and authorizations
	<u>N.J.A.C. 6A:13A-1.1 et seq.</u>	Elements of high quality preschool programs
	<u>N.J.A.C. 6A:23A-8.7</u>	Tuition rate adjustment by districts receiving preschool expansion aid or educational opportunity aid
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:26-6.4</u>	Educational facility planning standards for school facilities housing preschool students
	<u>N.J.A.C. 6A:32-8.3</u>	School attendance

Possible

<u>Cross References:</u>	*1410	Local units
	*1600	Relations between other entities and the district
	*3220/3230	State funds/federal funds
	*3541.1	Transportation routes and services
	*5020	Role of parents/guardians
	*5111	Admission
	*5141.3	Health examinations and immunizations
	*6010	Goals and objectives
	*6122	Articulation
	*6141	Curriculum design/development
	*6151	Class size
	*6171.3	At-risk and Title 1
	*6171.4	Special education

EARLY CHILDHOOD EDUCATION/PRESCHOOL (continued)

*7110 Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 6300

 X **Monitored**

 Mandated

 X **Other Reasons**

Policy

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Salem City Board of Education directs the superintendent to develop and implement a systematic short-range and long-range plan for the continuing assessment of the progress of the educational program toward the goals established by the district. To this end, he/she shall recommend tests and methods indicated by his/her best professional judgment.

The board reserves the right to review each test and to approve those that serve a legitimate purpose without infringing upon the personal rights of the students or their parents/guardians. The results of any evaluation may be released by the superintendent using districtwide data. Parents/guardians may obtain an explanation of the results of their child's test from qualified school personnel.

The superintendent shall annually recommend improvements in the program and staff based upon the evaluation of the district's program. He/she will ensure that all required data is submitted to the Commissioner for inclusion in the school report card.

The board will cooperate with the Commissioner in the conduct of such state-wide assessment programs as are required by the State Board of Education and shall use the data gained thereby toward the improvement of the schools of this district.

Adopted: January 12, 2002, January 9, 2008, January 2, 2019
NJSBA Review/Update: May 2022
Readopted: January 4, 2023

Key Words

Evaluation, Evaluation of the Instructional Program, Instructional Program

Legal References: N.J.S.A. 18A:7A-10 Evaluation of performance of each school
N.J.S.A. 18A:7E-2
through -5 School report card program
N.J.A.C. 6A:7-1.4 Responsibilities of the district board of education
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment
N.J.A.C. 6A:14-4.1(i) General requirements
N.J.A.C. 6A:23A-9.5 Commissioner to ensure achievement of the New Jersey
Student Learning Standards
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
*1120 Board of education meetings
*5120 Assessment of individual needs
*5145.4 Equal educational opportunity
6000 Concepts and roles in instruction
*6010 Goals and objectives
6011 Thorough and efficient/QEA

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

*6141	Curriculum design/development
*6147	Standards of proficiency
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

GOALS AND OBJECTIVES IN ALTERATIONS AND NEW CONSTRUCTION

The Salem City Board of Education recognizes the importance of planning, developing, and maintaining a physical plant appropriate to the personal and educational needs of the students and the educational program needs of the district and schools.

It is the board's intention to ensure that:

- A. Any new school facilities shall be planned, pursuant to law and regulations and shall be prepared by a registered architect or professional engineer to reflect current research and recommendations on the relationship of school design and size of educational program to a positive learning environment;
- B. The school building and site shall provide, pursuant to law and regulation, suitable accommodations to carry out the educational program of the school including provision for the disabled;
- C. The school building shall be safe, clean, attractive, and in good repair.

Any changes to the facilities relative to the allocation of space to accommodate classroom, administrative, recreational, or support services shall be submitted to and approved by the board before any changes in allocation are undertaken.

Educational specifications shall be prepared in writing under the direction of the superintendent and approved by the board of education.

The submission of schematic through final plans for school facilities shall be to the Department of Education Office of School Facility Projects in accordance with law.

Adopted: March 14, 2007, June 13, 2018
NJSBA Review/Update: June 13, 2018
Readopted: February 8, 2023

Key Words

Long-Range Facilities Planning, Planning, Facilities

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:18A-15 through -48 <u>et al.</u>	Specifications and plans
	<u>N.J.S.A.</u> 18A:18A-16	Preparation and approval of plans and specifications for public schoolhouses
	<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
	<u>N.J.S.A.</u> 18A:18A-20	American goods and products to be used where possible
	<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*7110	Long-range facilities plan
	*7115	Developing educational specifications

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SITE SELECTION, ACQUISITION & APPROVAL

In selecting new sites for district facilities, the Salem City Board of Education will consider:

- A. Location in relationship to hazards and nuisances.
- B. Size and appropriateness for proposed purpose.
- C. Fairness of price.
- D. A pupil distribution map showing the distribution of residences.
- E. Any existing buildings on the property.
- F. Statements from architects and engineers that the land to be acquired is suitable for the proposed use including environmental suitability.
- G. Recommendations of the County Superintendent of Schools and/or the New Jersey Department of Education - Bureau of Facilities Planning.
- H. Recommendations of the local planning board and appropriate state agencies e.g. CAFRA, Pinelands, etc.
- I. The local Master Plan, including the voluntary transfer of development rights program.

The superintendent, professional architects and engineers shall ensure that sites are developed in such a way as to enhance the educational program most effectively at the least cost.

The board when seeking to initiate a school facilities project shall apply to the Division of Administration and Finance on a Commissioner-provided form for approval of the school facilities project. School facilities projects include:

- A. New construction;
- B. Rehabilitation, provided that the rehabilitation or capital maintenance consists of the entire building system in the same school facility building section, as building section is defined in the approved LRFP, unless one or more of the components of a mechanical, electrical, or plumbing building system is required for the continued operation of such system;
- C. Acquisition of existing buildings to accommodate un-housed students;
- D. Furnishings, fixtures, and equipment, but they shall be eligible for State support only as follows:
 - 1. Furnishings with a useful life of 10 years or greater when part of a school facilities project is either new construction or rehabilitation and also qualified as reconstruction;
 - 2. Fixtures when part of a school facilities project;
 - 3. Equipment with a useful life of 10 years or greater either consisting of a school facilities project when it is an integral and substantial part of a building system in a school facility or when part of a school facilities project;
 - 4. Air conditioning equipment with a useful life of 10 years or greater either consisting of a school facilities project when it is an integral and substantial part of a building system or when part of a school facilities project; and

SITE ACQUISITION AND APPROVAL (continued)

5. Technology electronic systems recommended by the "Facilities Standards for Technology in New Jersey Schools" and the "Working Toward the Future With Our Children" educational technology plan for New Jersey, or subsequent State educational technology standards for New Jersey schools, when part of a school facilities project which is either new construction or rehabilitation that also qualifies as reconstruction.
- E. The rehabilitation of a playground with playground equipment when required to support the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school facility pursuant to the facilities efficiency standards and the approved programmatic model.

Application to the Division of Administration and Finance

An application for a school facilities project shall contain the following information:

- A. All information set forth in N.J.A.C. 6A:26-5.2 and 5.3 if the project is subject to educational adequacy review and, if not, any drawings or narrative relating to the project from a New Jersey licensed architect or professional engineer, if applicable, and, if the school facilities project includes the acquisition of land, N.J.A.C. 6A:26-7.1;
- B. Necessary updates to the enrollment projections in the school district's approved long range facilities plan (LRFP) to support the project;
- C. A delineation and description of each of the functional components of the school facilities project;
- D. The number of unhoused students to be housed in the school facilities project;
- E. The minimum area allowances per full-time equivalent student (see N.J.S.A. 18A:7G-3);
- F. A narrative description of the school facilities project on a form prescribed by the Commissioner, including an itemized breakdown of estimated actual costs and quantities by area for new construction, rehabilitation and acquisition of existing buildings;
- G. Identification of the site for new construction, if any;
- H. Identification and description of any spaces that exceed the facilities efficiency standards for which the school district received approval pursuant to the approved long-range facilities plan or is seeking approval as additional space;
- I. A complete room inventory of the spaces contained in the building;
- J. A feasibility study for all new construction in lieu of rehabilitation;
- K. Identification of the programmatic model from the school district's approved LRFP and supporting documentation to confirm that the school facilities project conforms to the programmatic model;
- L. The tier the school district proposes for each school facilities project;
- M. A resolution of the district board of education authorizing the submission of the application to the Division;
- N. A certification from the superintendent and the school business administrator that the district has not advertised or awarded a construction or purchase contract for the school facilities project and that the school facilities project has not been completed; and
- O. Any additional information that a school district deems relevant for the Commissioner's review of the school facilities project.

SITE ACQUISITION AND APPROVAL (continued)

The district shall submit applications for school facilities projects to the municipal planning board, no later than the date the school district submits to the Division each application, to afford the planning board the opportunity to prepare and submit findings to the Division of Administration and Finance. The district shall provide to the Division proof of the date that it submits each school facilities project application to the planning board. The planning board shall submit to the Division findings, if any, within 45 days of its receipt of each project application from a school district required to use the Development Authority, and has an additional 10 days to file with the Division notice of recommendations against approval of the project. No school facilities project application shall be considered complete until comments have been received from the planning board(s) or until either 45 days or 55 days, as applicable, have passed from the planning board's receipt of each school facilities project application, whichever is earlier. If the school district or its architect receives the planning board findings, it shall be forwarded promptly to the Division at the above address.

The district shall not initiate a school facilities project without an approved LRFP.

Adopted: June 12, 2002, March 14, 2007, June 13, 2018
 NJSBA Review/Update: May 2022
 Readopt: February 8, 2023

Key Words

Site, Acquisition, Land Purchase, Building Purchase

Legal References: N.J.S.A. 18A:7G-3 Definitions relative to construction, financing of public school facilities
 N.J.S.A. 18A:18A-16 Preparation and approval of plans and specifications for public schoolhouses
 N.J.S.A. 40:55D-31 Review by planning board
 N.J.A.C. 6A:26-1.1 et seq. Educational Facilities
 See particularly:
 N.J.A.C. 6A:26-3.1 et seq.
 N.J.A.C. 6A:26-5.2, -5.3, -7.1

Possible

Cross References: *7110 Long-range facilities plan
 *3100 Budget planning, preparation and adoption
 *3220/3230 State funds; federal funds
 *3260/3270 Sale and disposal of books, equipment and supplies; sale, licensing and rental of property
 3360 Rental/long-term leasing
 7114.2 Temporary facilities
 *7115 Developing educational specifications

*Indicates policy is included in the Critical Policy Reference Manual.

LONG-RANGE FACILITIES PLANNING

The Salem City Board of Education recognizes that sound planning based on accurate information is essential to meet the educational needs of the pupils and the educational program needs of the district and for the efficient operation of the schools. In order to ensure that future district construction, alterations and/or remodeling is planned on the basis of need, the board, in accordance with state requirements, will prepare the required long-range facilities plan and will update that plan as required thereafter. The long-range plan shall include but not be limited to:

- A. Enrollment projections for the school district for the five years covered by the plan, by grade level, as set forth in the Fall Survey Report for grades kindergarten through 12 and the application for state school aid (ASSA) for the preschool program utilizing enrollment figures as of October 15 of the previous year as the base enrollment figures. The following students shall be separately identified in the enrollment projections:
 - 1. Students attending charter schools;
 - 2. Students attending school choice programs;
 - 3. Students enrolled in the school district but attending private schools for the disabled;
- B. The functional capacity of every school facility in the district, listed separately by facility and grade level, including an inventory of all spaces in each facility;
- C. An inventory of every school facility, other facility and temporary facility in the district;
- D. An inventory of all district-owned land, indicating whether used currently, previously, or never, as a school site, with a map of the district indicating the location of all district-owned land and the location of existing schools in the district;
- E. A listing of the approximate size and nature of any new sites that may be needed for school facilities projects, listing the specific project(s) to be constructed on each site;
- F. An inventory of all building systems within each facility, including structure, enclosure, mechanical, plumbing, interior walls and finishes and electrical systems;
- G. A determination of the life expectancy of all building systems;
- H. A determination of any building system deficiencies in each school facility and the required remediation;
- I. The district's proposed school facilities projects and other capital projects and preliminary scopes of work in the five years ensuing;
- J. The district's proposed programmatic models for school facility types and capacities the school district intends to operate in the five years ensuing;
- K. A comparison of the school district's proposed programmatic models with the facilities efficiency standards and identification of all types of spaces, sizes of spaces and number of spaces inconsistent with those standards;
- L. A comparison of the school district's programmatic models with the existing inventory and how the school district proposes to convert the existing inventory to the programmatic models;

LONG-RANGE FACILITIES PLANNING (continued)

- M. The district's proposed plans for new construction and renovation of other facilities in the five years ensuing, setting forth each proposed new other facility, addition and renovation, including each separate space to be constructed or renovated and all other facilities to be sold, converted to other non-school facility uses or razed;
- N. For each school facility for which the school district is seeking approval of additional space or waiver of a facility efficiency standard to be approved, the school district shall submit documentation supporting the request;
- O. For each school facility to be replaced, a preliminary comparison of the cost of replacement of the school facility verses the cost to rehabilitate the school facility;
- P. Preliminary data to support each proposed new school facility or addition, renovation to an existing school facility and the removal from the school district's inventory of school facilities each school facility to be sold, converted to non-school facility use or razed;
- Q. A preliminary estimate of the cost of every school facilities project set forth in the long-range plan; and
- R. A district board of education resolution approving submission of the long-range plan.

Planning for major rehabilitation and remodeling will be incorporated into the school district master plan on a scheduled basis.

Reporting to the Board

In order to apprise the board of the continuing relevance of the capital construction plan, the superintendent shall annually report to the board:

- A. Number of new residential units approved;
- B. Enrollment by grades during the school year monthly;
- C. Student population projections prepared every year, and compare the actual population figures to the previously projected figures to detect early, for the benefit of the board, any changes in population trends.

In planning for the enlargement or modification of its facilities, the board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs. Each school building and site shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to law and regulation.

Substandard Facilities

All existing school facilities will be evaluated annually for their suitability to current district needs. Any facilities found to be substandard according to the administrative code shall be corrected as quickly as possible in compliance with law.

Adopted:	June 12, 2022, March 14, 2007, June 13, 2018
NJSBA Review/Update:	May 2022
Readopted:	February 8, 2023

Key Words

LONG-RANGE FACILITIES PLANNING (continued)

Long-Range Facilities Planning, Planning, Facilities

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7F-7	Undesignated fund balance; use, limits
	<u>N.J.S.A.</u> 18A:7F-63	Inclusion of facilities projects in SDA district budget
	<u>N.J.S.A.</u> 18A:7G-1	
	through -48 <u>et al.</u>	<u>Educational Facilities Construction and Financing Act</u>
	<u>N.J.S.A.</u> 18A:11-2	Power to sue and be sued; report; census of school children
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:33-1.1	Substandard facility; approval; inspection; abandonment
	<u>N.J.A.C.</u> 5:23-1.1 <u>et seq.</u>	Uniform Construction Code
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 5:23-1.1, -3.1, -3.11 B	
	<u>N.J.A.C.</u> 6A:23A-8.1 <u>et seq.</u>	Budget submission, support documentation, website publication
	<u>N.J.A.C.</u> 6A:25-1.1 <u>et seq.</u>	Qualified Zone Academy Bond Program
	<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:26-2.1 <u>et seq.</u>	
	-6.1 <u>et seq.</u> , -10.1 <u>et seq.</u>	
	-12.1 <u>et seq.</u>	
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the performance of school districts
	<u>See particularly</u>	
	<u>N.J.A.C.</u> 6A:30-2.1 <u>et seq.</u>	NJQSAC components of school district effectiveness and indicators
	<u>N.J.A.C.</u> 6A:32-8.1 <u>et seq.</u>	Attendance and student accounting

International Building Code 2015, New Jersey Edition; First Printing: September 2015; ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.

Possible

<u>Cross References:</u>	*2240	Research, evaluation and planning
	*2255	Action planning for NJQSAC
	*3100	Budget planning, preparation and adoption
	*3220/3230	State funds; federal funds
	*3260/3270	Sale and disposal of books, equipment and supplies; sale, licensing and rental of property
	3360	Rental/long-term leasing
	7114.2	Temporary facilities
	*7115	Developing educational specifications

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

RETIREMENT OF BUILDINGS AND REAL PROPERTY

The Salem City Board of Education recognizes that efficient administration of the district requires the disposition of property no longer necessary for the maintenance of the educational program or the operation of the district. The Board also recognizes its responsibility to provide a thorough and efficient program of free public education and appropriate facilities to house that program. Declining enrollments, diminished resources, district reorganization, or other good cause may require that the use of one or more district facilities be closed.

In the event that the board must close a school, the board shall provide the New Jersey Department of Education Office of School Facilities and Finance and the executive county superintendent with the following assurances:

- A. The proposed closing is consistent with the board approved long range facilities plan because:
 - 1. The board can demonstrate that sufficient school-building capacity exists to house students for the five years following the closing; or
 - 2. The board can demonstrate through a feasibility study that the benefits of undertaking new construction outweigh those of rehabilitating the school proposed for closure;
- B. The use of temporary facilities in the remaining schools does not result or increase from an overall facilities shortage caused by the school closing; and
- C. The re-assignment of students to other schools in the school district does not produce, sustain, or contribute to unlawful segregation, separation, or isolation of student populations on the basis of race or national origin.

Any request for approval from the Office of School Facility Projects for the school closing shall include the recommendation of the executive county superintendent. A letter of approval from the Office of School Facilities and Finance based on the information above shall be required before the school's closing.

The Office of School Facility Projects shall notify the district in writing of its determination with respect to the requested school closing, with a copy provided to the executive county superintendent.

Real estate property shall be disposed of by sale or otherwise, in accordance with N.J.S.A. 18A:20-5.

The board alone is responsible for the organization of the school district and the establishment and retirement of school facilities. Formal action to accomplish those ends shall be taken only by the Board duly convened.

Adopted: June 12, 2002, March 14, 2007, June 13, 2018
NJSBA Review/Update: May 2022
Readopted: February 8, 2023

Key Words

School Closing, Building Retirement

Legal References: <u>N.J.S.A. 18A:11-1</u>	General mandatory duties and powers
<u>N.J.S.A. 18A:20-5</u>	
<u>N.J.S.A. 18A:20-36</u>	Commissioner may order alteration or abandonment of buildings
<u>N.J.S.A. 18A: 22-1</u>	Budget and Appropriations, Type 1 districts

TITLE (continued)

N.J.A.C. 6A:26-1.1 et seq. Educational Facilities
See Particularly:
N.J.A.C. 6A:26-7.5 Approval for the closing of a school facility

Possible

Cross References: *3220/3230 State funds; federal funds
*3260/3270 Sale and disposal
*6171.3 At-risk and Title 1
*7110 Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

ALTERATIONS AND REPAIRS

In considering any proposal for alterations, additions or major repairs to the district's existing facilities, the Salem City Board of Education will employ the services of a licensed architect as a consultant when it is necessary to help determine:

- A. Necessity for the project;
- B. Probable cost;
- C. Alternatives.

The superintendent shall be consulted on all plans and specifications for any remodeling or additions to the schools and make recommendations concerning repairs and alterations to buildings, grounds and equipment. All changes of use will be applied for via the New Jersey Department of Education.

Complaints regarding school buildings or any request for improvement or change must be made to the superintendent who will notify the board of education. Approval for material alterations in the originally approved architect's construction plans to school properties must be formally granted by the board of education.

Adopted: March 14, 2007, June 13, 2018
NJSBA Review/Update: May 2022
Readopt: February 8, 2023

Key Words

Repairs, Architect

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.A.C. 5:23-1.1 et seq. Uniform Construction Code
N.J.A.C. 6A:26-2.1 et seq. Educational Facilities

Cross References: 2240* Research, evaluation and planning
2255* Action planning for NJQSAC
7110* Long-range facility planning
7115* Developing educational specifications
7200 Designing/architectural/engineering services
7400 Bids
7430 Change orders
7450 Supervision/clerk-of-the-works

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

DEVELOPING EDUCATIONAL SPECIFICATIONS

Educational needs should determine the plan and design of the schools. Therefore, the superintendent shall develop comprehensive educational specifications for any projected facilities--whether built or altered, owned or leased, temporary or permanent--for consideration by the board.

In developing the specifications, the superintendent shall draw on recommendations of citizens, professionals and support staff, students, and other appropriate sources. The factors on which the specifications are based shall include but not be limited to:

- A. The plan of school organization and estimated size and type of enrollment in the proposed facility;
- B. Provisions for the disabled;
- C. Space requirements for all functions, including an indication of relative locations of various spaces;
- D. Desired layout of special areas and the equipment needed for such areas
- E. Educational and athletic environment;
- F. Safety and health;
- G. Mechanical and systems features and special finishes desired;
- H. Standard codes and regulations (school district, community, county, and state) affecting planning;
- I. Other requirements under existing law and regulation;
- J. Pertinent budget and related factors.

The Salem City Board of Education needs the specifications to:

- A. Clarify and consolidate the thinking of the administration, the board, and the community on the needs, desires, and objectives of the educational program to be conducted within the proposed new facility;
- B. Organize this important information in a manner that can be easily and clearly interpreted by the architect.

Adopted: March 14, 2007, June 13, 2018
NJSBA Review/Update: May 2022
Readopted: February 8, 2023

Key Words

Educational Specifications, Planning

Legal References: N.J.S.A. 18A:7G-1
through -48 et al.
N.J.S.A. 18A:18A-16
N.J.S.A. 18A:18A-16.1

Educational Facilities Construction and Financing Act
Preparation and approval of plans and specifications
for public schoolhouses
Regulations; construction standards for school buildings

DEVELOPMENT OF EDUCATIONAL SPECIFICATIONS (continued)

<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:46-13	Types of facilities and programs
<u>N.J.S.A.</u> 18A:46-14	Enumeration of facilities and programs
<u>N.J.S.A.</u> 18A:46-15	Facilities and programs; approval by commissioner; special classes for handicapped children; review; improvement
<u>N.J.A.C.</u> 5:23-1 <u>et seq.</u>	The uniform construction code
<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-5.1 <u>et seq.</u> , -6.1 <u>et seq.</u>	

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

International Building Code 2015, New Jersey Edition; Frist Printing: September 2015;
ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.

Possible

Cross References: *2240 Research, evaluation and planning
*7110 Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

LACTATION ROOM

In accordance with the provisions of P.L.2019, C.26:4C-3, the Salem City Board of Education requires the Superintendent of Schools to provide a "lactation room" when one is requested for any staff members, students and/or visitors or contractors who may be nursing a child while on the campus.

Definition

For the purposes of this policy, "Lactation room" means a sanitary room, other than a restroom, that can be used by a mother to breast feed her baby or express milk in private, and which includes an electrical outlet, a chair, and nearby access to running water. The presence of such a "lactation room" in no way requires the district to establish a permanent facility, but one that may be used as conditions warrant.

The presence of any such lactation room shall not abrogate or otherwise limit the mother's right to breast feed her baby in public, as provided by section 2 of P.L.1997, c.101 (C.26:4B-4).

Should the Department of Health create signage that contains information about breast feeding; affirms a mother's right to nurse in public, as provided by section 2 of P.L.1997, c.101 (C.26:4B- 4); and (3) indicates that lactation rooms are being made available for the privacy and comfort of nursing mothers, and such signage is distributed directly to the district, the superintendent shall post said signage in a conspicuous location.

Notice

The superintendent shall ensure that the public is made aware of this policy and the details of its implementation

Adopted: April 8, 2020
NJSBA Review/Update: April 2022
Readopted: February 8, 2023

Key Words

Breast Feeding, Lactation, Married Students, Pregnant Students, Married Students, Pregnant Students

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination prohibited
N.J.S.A. 26:4B-4, 26:4C-3
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,-1.7
N.J.A.C. 6A:16-7.1 Code of student conduct

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References: *5141.3 Health examinations and immunizations
*5145.4 Equal educational opportunity
*5154 Married and pregnant students
*6145 Extracurricular activities
*6154 Homework/makeup work

MARRIED/PREGNANT PUPILS (continued)

- *6172 Alternative educational programs
- *6173 Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PUBLIC PARTICIPATION

The Salem City Board of Education desires to have input from all parties interested in the planning and construction of new facilities and/or major alterations. As necessary and appropriate the superintendent shall make reasonable efforts to engage the participation of parents, staff and community members in the four stages of school construction:

- A. Identifying school building needs;
- B. Planning the school plant;
- C. Constructing the buildings;
- D. Accepting and using the plant.

Adopted: March 14, 2007, June 13, 2018
NJSBA Review/Update: May 2023
Readopted: February 8, 2023

Key Words

Facilities, Input, Public Participation

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
 N.J.S.A. 18A:33-1 et seq. District to furnish suitable facilities
 N.J.A.C. 6A:26-12 et seq. Operation and maintenance of facilities

Possible

Cross References: *2240 Research, evaluation and planning
 *2255 Action planning for NJQSAC
 *3100 Budget planning, preparation and adoption
 *3220/3230 State funds; federal funds
 *3260/3270 Sale and disposal of books, equipment and supplies; sale, licensing and
 rental of property
 *7110 Long range planning
 *7115 Developing educational specifications

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

DESIGNING, ARCHITECTURAL AND ENGINEERING SERVICES

All plans and specifications for school building work of any nature, by law, must be prepared by an architect, and/or an appropriate engineer (i.e. mechanical, structural, etc.) registered to practice in the State of New Jersey and within the limits covered by such registration or license.

The Salem City Board of Education shall select architects and engineers who have demonstrated a record of outstanding competency and responsiveness to the needs of other boards and the districts. Selection of architects for each project will be made from a board of education approved, limited listing developed by applying the criteria referred to above.

The superintendent shall, through appropriate delegation, be responsible for:

- A. Developing criteria applicable to the selection of architects and similar professionals for board approval;
- B. Recommending a limited board-approved list of architects and engineers from which the professional will be selected;
- C. Providing the pertinent information necessary to facilitate review and reappraisal of the limited list of architects and similar professionals;
- D. Recommending specific firms from the approved list for each project.

In continued development of the sites of existing facilities, the superintendent shall propose means to minimize hazards and nuisances.

The board will contest any zoning or use changes that could affect the health or welfare of the students attending district facilities.

Adopted:	March 7, 2007, June 13, 2018
NJSBA Review/Update:	May 2022
Readopted:	February 8, 2023

Key Words

Design Services, Architectural Services, Engineering Services

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.A.C.</u> 5:23-1.1 <u>et seq.</u>	Uniform Construction Code
	<u>N.J.A.C.</u> 6A:26-2.1 <u>et seq.</u>	Educational Facilities

<u>Cross References:</u>	7110*	Long-range facility planning
	7114.1	Repairs
	7115*	Developing educational specifications
	7450	Supervision/clerk-of-the-works

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

BIDS

The business administrator/board secretary shall perform or supervise all the steps of the bid solicitation process in accordance with law. The steps include:

- A. Advertisement and solicitation;
- B. Provision of plans and specifications;
- C. Notification of time for preparation of bids;
- D. Receiving deposits from bidders when required;
- E. Determining qualifications of bidders;
- F. Receiving bids;
- G. Notifying bidders of awarding of contract; and
- H. Ensuring compliance with New Jersey Title IX affirmative action policies.

The business administrator/board secretary shall open all bids and check them for accuracy. The Salem City Board of Education at its discretion may request that the board attorney also review the bid documents, either prior to advertising for bids or after receipt of bids, or both.

The board shall only award the contract to the lowest responsible bidder who meets the bidding specifications, or the board, in its discretion, may refuse to accept any and all bids.

Adopted: March 14, 2007, June 13, 2018
NJSBA Review/Update: March 2022
Readopted: February 8, 2023

Key Words

Bids, Lowest Responsible Bidder

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:18A-3	Bid threshold
	<u>N.J.A.C.</u> 5:23-1.1 <u>et seq.</u>	Uniform Construction Code
	<u>N.J.A.C.</u> 6A:26-2.1 <u>et seq.</u>	Educational Facilities

<u>Cross References:</u>	2240*	Research, evaluation, and planning
	2255*	Action planning for NJQSAC
	7110*	Long-range facility planning
	7114.1	Alterations and repairs
	7115*	Developing educational specifications
	7200	Designing/architectural/engineering services
	7430	Change orders
	7450	Supervision/clerk-of-the-works

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PROTECTIONS AND GUARANTEES

Included in any construction, renovation, repair or remodeling contract shall be provisions to protect the district from monetary loss or from loss due to the project not being completed according to the terms of the contract. Such provisions would include:

- A. Surety bonds;
- B. Guarantee of safe conditions for students, staff and other visitors to the school or grounds;
- C. Guarantee of safe working conditions during construction;
- D. Contractor's insurance during construction;
- E. Guarantees for adjustments and corrections after completion;
- F. Guaranteed completion date.

The bonds, certificates and guarantees required by the board or statute shall be specified in the bidding documents. The successful bidder shall file all documents pertaining to guarantee and performance bonds with the business administrator/board secretary.

Adopted: March 14, 2007, June 13, 2018
NJSBA Review/Update: March 2022
Readopted: February 8, 2023

Key Words

Surety Bonds, Construction Guarantees

Legal References: N.J.S.A. 18A:7G-1 Educational Facilities Construction and Financing Act
through -44 et al. Power to sue and be sued; report; census of school children
N.J.S.A. 18A:11-2
N.J.A.C. 5:23-1.1 et seq. Uniform Construction Code
N.J.A.C. 6A:26-1.1 et seq. Educational Facilities

Cross References: 7110* Long-range facility planning
7115* Developing educational specifications
7400 Bids
7430 Change orders
7450 Supervision/clerk-of-the-works

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

NAMING BUILDINGS AND PROGRAMS

The right to name school facilities and/or other district property rests with the Salem City Board of Education and may or may not be named at the board's sole discretion. Facilities which may be named include, but are not limited to, buildings, auxiliary buildings, gymnasiums, auditoriums, libraries, lecture halls, athletic fields and playgrounds.

Naming requires formal action of the board. In selecting a name, the board shall be bias free and not discriminate based on race, gender, sexual orientation, religion, creed, disability or national origin.

In naming school facilities, the board shall strive to honor the history, traditions and vision of the school district and the community it serves. If named for a person, that person should have been a former school district educator or administrator, local resident, board member, county resident, alumni or an employee of the school district who has had significant beneficial effect on the school system and its students. However, names of inspiring national or international persons are also allowable.

The board welcomes recommendations from members of the community in the naming of school facilities. All requests must be submitted in writing to the board. The board will consider all names submitted. While community input is encouraged, the final decision, whether or not to name a facility and whether or not to accept a recommendation of a name, shall be made by the board at a regularly scheduled meeting

Once the Board has approved a name submitted for a school, room, facility, office, athletic field, special purpose areas and/or other district property, the Board will determine the advisability of conducting an appropriate public ceremony and/or if a plaque, monument, painting, sign, or engraving of the name selected should be placed on the facility. If an individual or organization has requested the name, the board may request that individual or organization to bear the cost of any plaque, monument, painting, sign or engraving incurred in connection with the naming.

Adopted: March 14, 2007, June 13, 2018
NJSBA Review/Update: March 2022
Readopted: February 8, 2023

Key Words

Naming, Facility Naming, Dedication, Facility Dedication

Possible

<u>Cross References:</u>	*1120	Ad Hoc advisory committees
	*1140	Distribution of materials
	*1330	Use of facilities
	*3280	Gifts, grants and bequests
	*3327	Relations with vendors

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

ROLE OF THE BOARD

The general mandatory powers and duties of the board are defined in Title 18A of New Jersey statutes. Other sections of the statutes state or imply that a local board of education has full power to operate the local public schools as it deems fit in compliance with state and federal mandates and pertinent laws of the municipality.

The Salem City Board of Education shall be a body corporate and shall be known as the Salem City Board of Education. The board shall make its members, the district staff, and the public aware that only the board, acting as a duly constituted quorum at a legal meeting, has authority to take official actions. All other actions, whether individual or collective, have no legal basis.

The board of education views these as its required functions

A. Policy oversight

The board is responsible for the development of policy and for the employment of a superintendent who shall carry out its policies through the development and implementation of regulations. The board is responsible for evaluating the effectiveness of its policies and their implementation. This includes setting and evaluating goals in educational and financial areas.

B. Educational planning

The board is responsible for requiring and acquiring reliable information from responsible sources that will enable it and the staff to work toward the continuing improvement of the educational program.

C. Provision of financial resources

The board has major responsibilities for the adoption of a budget that will provide the wherewithal--in terms of buildings, staff, materials, and equipment--to enable the school system to carry out its functions.

D. Interpretation

The board is responsible for providing adequate and direct means for keeping the local community informed about the school and for keeping itself and the school staff informed about the wishes of the public. All planning, that which is and that which is not related to the budget, needs to be interpreted to the public if citizens are to support the school program.

The board believes that, by diligently exercising these functions, it will be able to provide the best educational opportunities possible for our children within the financial limitations set by the community.

The board shall exercise its powers through the legislation of bylaws and policies for the organization and operation of the school district.

The board shall be responsible for the operation of the school but shall delegate the administration to the superintendent, who shall be appointed by a recorded roll-call majority vote of the full board.

The board may hear appeals in complaints and in grievance and disciplinary actions as defined in these policies and in the law.

ROLE OF THE BOARD (continued)

Adopted: December 12, 2007, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

Boards of Education, Role of the Board

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:10-1	Constitution of boards of education; conduct of schools; state-operated school district
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
	<u>N.J.S.A.</u> 18A:17-15	Appointment of superintendents; terms; apportionment of expense
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:34-1	Textbooks; selection; furnished free with supplies; appropriations
	<u>N.J.S.A.</u> 18A:36-2	Time when schools are open; determination
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
	<u>N.J.A.C.</u> 6A:23A-1 <u>et seq.</u>	Accountability regulations
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-1.1 <u>et seq.</u>	School District Operations
	<u>N.J.A.C.</u> 6A:32-3.2	Requirements for the Code of Ethics for school board members and charter school board of trustees members

Possible

<u>Cross References:</u>	*1000/1010	Concepts and roles in community relations; goals and objectives
	*2000/2010	Concepts and roles in administration; goals and objectives
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	4000	Concepts and roles in personnel
	5000	Concepts and roles in student personnel
	6000	Concepts and roles in instruction
	*6140	Curriculum adoption
	*6161.1	Guidelines for evaluation and selection of instructional materials
	7000	Concepts and roles in construction, remodeling and renovation
	*9311	Formulation, adoption, amendment of policies
	*9312	Formulation, adoption, amendment of bylaws
	*9313	Formulation, adoption, amendment of administrative regulations
	*9314	Suspension of policies, bylaws and regulations

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9010
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Bylaw

ROLE OF THE MEMBER

It is understood that the members of the board have authority only when acting as a board legally in session. The board shall not be bound in any way by any action or statement on the part of any individual board member except when such statement or action is in pursuance of specific instructions from the board.

Members of the board shall adhere to the code of ethics for board members in bylaw 9271.

No board member, by virtue of his/her office, shall exercise any administrative responsibility with respect to the schools or as an individual command the services of any school employee.

Board members visiting the schools for any reason shall observe district regulations for all visitors.

Adopted: December 12, 2007, September 12, 2019
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Individual Board Member, Board Members' Role

<u>Legal References:</u>	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-21 et seq</u>	<u>School Ethics Act</u>
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:28-1.1 et seq.</u>	School Ethics Commission

Possible

Cross References: *1250 Visitors
*9020 Public statements
*9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9020

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Bylaw

PUBLIC STATEMENTS

Only the board president shall authorize or make statements of official board positions.

No other member of the board of education individually will speak for, or in the name of, the total board unless by explicit direction of the board. Board members should emphasize that they can only speak as individual board members unless empowered by the board to speak for it.

No board member shall make public statements that contradict the policies and actions of the board, or that may jeopardize the ability of the board to act effectively.

Adopted: December 12, 2007, September 12, 2018

NJSBA Review/Update: May 2022

Readopted: March 8, 2023

Key Words

Board Members' Role, Public Statements

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:42-4 Distribution of literature to candidacy, board issues, or other
public question to be submitted at election; prohibited
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *1100 Communicating with the public
*1110 Media
*9010 Role of the member
*9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

NUMBER OF MEMBERS AND TERM OF OFFICE

The Salem City Board of Education shall be comprised of nine members elected by the voters of the district at the annual school board election.

The term of a board member shall be three years, except that a member appointed to fill a vacancy shall serve until the organization meeting following the next annual election, unless he/she has been appointed to fill a vacancy occurring within 60 days immediately preceding such election to fill a term extending beyond such election, in which case he/she shall serve until the organization meeting following the second annual election next succeeding the occurrence of the vacancy. All members shall serve after the expiration of their respective terms until the appointment and qualification of their successors.

Representation on the Board of Education by Sending Districts

Sending districts to the Salem City School System shall have representation in accordance with the following:

- A. Representation of sending districts shall be in accordance with N.J.S.A. 18A:38-8.2, et. seq;
- B. The sending district shall have no representation on the Salem City Board of Education if the pupils of that sending district comprise less than 10% of the total enrollment of the pupils in the grades of the Salem City School System in which the pupils of the sending district will be enrolled;
- C. If the pupils of a sending district comprise at least 10% of the total enrollment of the pupils in the grades of the Salem City School System in which the pupils of the sending district will be enrolled, the sending district will have representation on the Salem City Board of Education;
- D. The calculation of percentages required shall be based on the number of pupils reported as of the last school day prior to October 16th of each prebudget year (See Application for State School Aid, A.S.S.A.);
- E. If the total number of pupils of two or more sending districts which do not qualify for representation in accordance with above, do comprise at least 15% of the total enrollment of the pupils in the grades of the Salem City School District in which the pupils of the sending districts will be enrolled, the sending districts will have representation on Salem City Board of Education.
- F. The number of representatives designated by the sending districts shall be in accordance with NJSA 18A:38-8.2(c) and NJSA 18A:38-4 (a) through (d);
- G. As sending districts, upon annual notification from the Salem County Superintendent of Schools of their allotted representation on the Salem City Board of Education, the Quinton, Elsinboro, Mannington and Lower Alloways Creek Boards of Education shall designate their representative(s) to serve on the Salem City Board of Education.
- H. This designation shall be made by the sending board at the meeting closest in time to the annual organization meeting of the Salem City Board of Education. The designated member(s) shall serve a one year term beginning with the annual reorganization meeting of the Salem City Board of Education;
- I. As sending district, the Quinton, Elsinboro, Mannington and Lower Alloways Creek representative(s) shall be eligible to vote on any district matters before the Salem City Board of Education:
 - a. Tuition to be charged the sending district by the Salem City School District;
 - b. Bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending districts;

TERM AND REPRESENTATION (continued)

- c. New capital construction to be utilized by the sending district pupils;
- d. Appointment, transfer or removal of teaching staff members providing services to the pupils of the sending districts, including any teaching staff member who is a member of the Salem City School District's central administrative staff;
- e. Addition or deletion of curricular and extracurricular programs involving pupils of the sending district; and,
- f. Any or all policy items that pertain to district operations/business.

J. While the sending district representative(s) shall have limited voting rights, in all other respects, the representative(s) shall function as a full member of the Salem City Board of Education.

Student Representation on the Board of Education

Each Board of Education of a school district that includes grades nine through 12 shall include a minimum of one student to serve as a non-voting student representative on the Board, in a process selected by the Superintendent. The Superintendent will appoint the head of the school's student government to serve as the student representative.

Adopted:	June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022, August 2023
Readopted:	March 8, 2023, August 9, 2023

Key Words

Membership, Term, Number, Sending, Receiving

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:12-6	Boards; number of members
	<u>N.J.S.A.</u> 18A:12-9	Terms of members of boards
	<u>N.J.S.A.</u> 18A:12-15	Vacancies
	<u>N.J.S.A.</u> 18A:12-11	Election and number of board members, terms
	<u>N.J.S.A.</u> 18A:17-20	Superintendent, general powers and duties
	<u>N.J.S.A.</u> 18A:38-8	Duty to receive students from other districts
	<u>N.J.A.C.</u> 6A:23A-2.1 <u>et seq.</u>	Executive county superintendent
	<u>N.J.S.A.</u> 18A:12-1.3(1)(a)	Student Representative / Student Government

Possible

<u>Cross References:</u>	*9010	Role of the member
	*9113	Filling vacancies
	*9114	Resignation, removal from office
	*9311	Formulation, adoption, amendment of policies
	*9312	Formulation, adoption, amendment of bylaws
	*9313	Formulation, adoption, amendment of administrative regulations
	*9314	Suspension of policies, bylaws and regulations

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

QUALIFICATIONS AND REQUIREMENTS OF BOARD MEMBERS

Qualifications for member of the board of education are as follows:

- A. Citizen of the United States of America;
- B. At least eighteen years of age;
- C. Able to read and write;
- D. A resident of the municipality from elected or appointed, for at least one year immediately preceding the date of the election;
- E. Registered to vote in the municipality from which elected;
- F. Not disqualified as a voter pursuant to N.J.S.A. 19:4.1;
- G. Does not hold office as mayor or as a member of the governing body of a constituent municipality;
- H. Has no interest directly or indirectly in any contract with or claim against the board; and
- I. Has not been disqualified due to the conviction of a crime or offense listed in N.J.S.A. 18A:12-1. In order to fulfill this requirement:
 - 1. Each member of the board of education, within 30 days of the election or appointment to the board shall undergo a criminal history background check investigation for the purpose of ensuring that the member is not disqualified for membership due to a conviction of a crime or offense pursuant to the statute. The board, in its sole discretion, may reimburse the member for the cost of the criminal history record check, including all costs for administering and processing the check.

Within 30 days of election/appointment, board members shall file with the board secretary, on forms provided by the School Ethics Commission, both a Personal/Relative Disclosure Form (N.J.S.A. 18A:12-25) and a Financial Disclosure Statement (N.J.S.A. 18A:12-26). The board secretary shall file the original with the executive county superintendent (N.J.A.C. 6A:28-3.1).

Adopted: June 12, 2002, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Board Member, Qualifications, Criminal History Check, Crime Check, Background Check

<u>Legal References:</u> <u>N.J.S.A. 18A:12-1 et seq.</u>	Qualifications of Board Members
<u>See particularly:</u>	
<u>N.J.S.A. 18A:12-1.2</u>	Criminal history background investigation for board of education members
<u>N.J.S.A. 18A:12-25, 26</u>	Personal/Relative Disclosure Form and Financial Disclosure Form
<u>N.J.S.A. 18A:13-7</u>	Regional Board Members
<u>N.J.S.A. 19:4-1</u>	Constitutional Qualifications
<u>N.J.A.C. 6A:28-3.1</u>	Filing disclosure statements

QUALIFICATION AND REQUIREMENTS
OF BOARD MEMBERS (continued)

File Code: 9111

Possible

Cross References: *9200 Orientation and Training of Board Members
 *9270 Conflict of Interest
 *9271 Code of Ethics

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9113

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Bylaw

FILLING VACANCIES

Vacancies Filled by the Board

The Salem City Board of Education shall fill vacancies created by the resignation, removal by the board for cause or death of a serving member, or when a member ceases to be a bona fide resident of the district. The vacancy shall be filled within the 65 days prescribed by law.

Procedures by which to select the persons to fill such vacancies may include advertisement of the vacancy in suitable local media, and interviews with interested parties conducted in public by the board acting as committee of the whole.

If a vacancy occurs on the board due to the recall of a board member, all procedures of the law shall be followed to fill that vacancy.

Vacancies filled by the board shall be by a majority vote of the remaining members of the board after the vacancy occurs.

Vacancies Filled by the Executive County Superintendent

The Executive County Superintendent fills vacancies that the board fails to fill within 65 days, and those caused by the voters' failure to elect a member, or by the removal of a member because of lack of qualifications, some flaw in the election, or when a recount or contested election fails to elect a member. The Executive County Superintendent also appoints enough members to make up a quorum.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Filling Vacancies, Board Vacancies

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-56	Election of members of representative assembly; vacancies (educational services commission)
	<u>N.J.S.A.</u> 18A:12-1	Qualifications of board members
	<u>N.J.S.A.</u> 18A:12-3	Cessation of members
	<u>N.J.S.A.</u> 18A:12-7	Boards; appointments; vacancies (Type I district)
	<u>N.J.S.A.</u> 18A:12-15	Vacancies (Type II district)
	<u>N.J.S.A.</u> 18A:13-11	Vacancies in membership of board; filling (regional)
	<u>N.J.S.A.</u> 18A:38-8.1	Additional member on board of education in each sending district
	<u>N.J.S.A.</u> 19:27A-1 <u>et seq.</u>	Uniform Recall Election Law

Possible

<u>Cross References:</u>	*9010	Role of member
	9110	Number of members and terms of office
	9112	Elections/appointments
	9114	Resignation/removal from office
	*9270	Conflict of interest
	*9271	Code of ethics

FILLING VACANCIES (continued)

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

RESIGNATION AND REMOVAL

Resignation

The resignation of a member of the board shall become effective upon official board motion and the affirmative vote of a plurality of the board at a legally convened meeting. The resignation of an officer of the board from his/her office shall become effective by official Board motion and the affirmative vote of a majority of the total board membership at a legally convened meeting.

Removal of a Board Member

The membership of a board of education member shall terminate immediately upon:

- A. The cessation of the member's bona fide residency in the school district the member represents; or
- B. The member's election or appointment to the office of mayor or member of the governing body of Alloway Township; or
- C. The member's disqualification from voting pursuant to N.J.S.A. 19:4-1. No person shall have the right to vote:
 - 1. Who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting; or
 - 2. Who has been convicted of a violation of any of the provisions of this Title, for which criminal penalties were imposed, if such person was deprived of such right as part of the punishment therefor according to law unless pardoned or restored by law to the right of suffrage; or
 - 3. Who shall be convicted of the violation of any of the provisions of this Title, for which criminal penalties are imposed, if such person shall be deprived of such right as part of the punishment therefor according to law, unless pardoned or restored by law to the right of suffrage; or
 - 4. Who is serving a sentence or is on parole or probation as the result of a conviction of any indictable offense under the laws of this or another state or of the United States.
- D. The member's conviction for false swearing for having falsely affirmed or declared that he/she is qualified to vote;
- E. The removal of the member by the Commissioner of Education upon recommendation of the Ethics Commission for failure to take mandated training, violations of the Code of Ethics or violations of the Ethics Act; or
- F. Recall of a board member pursuant to the Uniform Recall Election Law (N.J.S.A. 19:27A-1 et seq).

Any member who fails to attend three consecutive meetings of the board without good cause may be removed from office on the affirmative vote of a majority of the full board, provided that the member's removal was proposed at the immediately previous board meeting and notice of the proposed removal was given to the affected member at least seventy-two hours in advance of the meeting at which the vote will be taken.

Removal of the President or Vice President

A president or vice president who shall refuse to perform a duty imposed upon him/her by this title may be removed by the majority vote of all the members of the board.

RESIGNATION AND REMOVAL (regulation continued)

If the Board fails to fill the office of President or Vice President within 30 days thereafter, the County Superintendent of Schools shall fill the vacancy for the un-expired term.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

Elections, Nominating Petitions, Candidates

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-2 Inconsistent interests or office prohibited
N.J.S.A. 18A:12-21 et seq. School Ethics Act
See particularly:
N.J.S.A. 18A:12-24, -24.1
N.J.S.A. 19:27A-1 et seq. Uniform Recall Election Law
N.J.A.C. 6A:4-1.1 et seq. Appeals
N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission

Cross References: *4112.8/4212.8 Nepotism
 *9111 Qualifications and background checks
 9112 Election and annual appointments
 *9113 Filling Vacancies
 *9200 Orientation and training of board members
 *9270 Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

ELECTIONS AND OATH OF OFFICE

Elections of the Salem City Board Members shall be in accordance with law. Three members of the board shall be duly chosen each for a full term and as many other members as may be necessary to replace members who shall vacate unexpired terms shall be duly chosen at an annual election on the date prescribed by law.

Before entering the duties of office, the board member shall take and subscribe the oaths prescribed by the statute and file the same with the board secretary.

Election of the President and Vice President

The Salem City Board of Education shall organize by electing one of its members as president and another as vice president. Election for each office will be conducted by roll call vote when the nominations for that office are closed. The candidate receiving a majority vote of the members of the board will be elected to office.

When more than one person has been nominated, the board will vote on candidates in the order in which they are nominated. In the event no candidate receives a majority of the vote of the members of the board present and constituting a quorum, the procedure shall continue until someone receives a majority vote.

Officers shall serve for one year and until their respective successors are elected and qualify, but if the board shall fail to hold the organization meeting or to elect board officers as prescribed by N.J.S.A. 18A:15-1, the executive county superintendent shall appoint from among the members of the board a president and/or vice president.

A president or vice president who refuses to perform a duty imposed upon him/her by law may be removed by a majority vote of the board members present and constituting a quorum. The board shall fill a vacancy for the unexpired term of either office within thirty days of the occurrence of the vacancy. If the board fails to fill the vacancy within such time, the executive county superintendent shall fill the vacancy for the unexpired term.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Elections, Nominating Petitions, Candidates

<u>Legal References:</u>	<u>N.J.S.A. 18A:6-46</u>	Delegates to state association
	<u>N.J.S.A. 18A:12-1</u>	Election and number of board members; terms
	<u>N.J.S.A. 18A:13-13</u>	Appointment of secretary
	<u>N.J.S.A. 18A:13-14</u>	Treasurer of school moneys; appointment; term; bond
	<u>N.J.S.A. 18A:14-2</u>	Time of holding annual school election
	<u>N.J.S.A. 18A:14-19</u>	Notices; contents; posting and publication
	<u>N.J.S.A. 18A:14-36</u>	Open election
	<u>N.J.S.A. 18A:14-63</u>	Duties of secretary of the board of education (re: elections)
	<u>N.J.S.A. 18A:17-2</u>	Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
	<u>N.J.S.A. 18A:17-5</u>	Appointment of a secretary of board of education; terms; compensation; vacancy
	<u>N.J.S.A. 18A:17-13</u>	Assistant and acting secretaries; appointment, powers and

ELECTIONS AND ANNUAL APPOINTMENTS (continued)

	duties
<u>N.J.S.A.</u> 18A:17-31	Treasurer of school moneys
<u>N.J.S.A.</u> 18A:23-1	Audit when and how made
<u>N.J.S.A.</u> 18A:40-1	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
<u>N.J.S.A.</u> 18A:46-11	Psychological and other examinations
<u>N.J.S.A.</u> 18A:38-32	District and county vocational school attendance officer

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*3570	District records and reports
	*6142.10	Technology
	*9121	Election and duties of president
	*9271	Code of ethics
	*9322	Public and executive sessions
	*9323/9324	Agenda preparation/advance delivery of meeting material
	*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9121
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Bylaw

ELECTION AND DUTIES OF PRESIDENT AND VICE-PRESIDENT

The Salem City Board of Education shall elect a president and a vice-president by a roll call majority vote of the full Board at the annual organization meeting.

The president shall preside at all meetings of the board and shall perform other duties as directed by statute, state department of education regulations, and this board. In carrying out these responsibilities, the president shall:

- A. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the board;
- B. Consult with the superintendent on the board's agendas;
- C. Appoint board committees and chairpersons;
- D. Call such meetings of the board as he/she may deem necessary upon at least two days' notice;
- E. Be an ex officio member of all board committees;
- F. Confer with the superintendent on crucial matters which may occur between board meetings; and
- G. Be responsible for the orderly conduct of all board meetings.

As presiding officer at all meetings of the board, the president shall:

- A. Call the meeting to order at the appointed time;
- B. Announce the business to come before the board in its proper order;
- C. Enforce the board's policies relating to the order of business and the conduct of meetings;
- D. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- E. Explain what the effect of a motion would be if it is not clear to every member;
- F. Restrict discussion to the question when a motion is before the board;
- G. Answer all parliamentary inquiries, referring questions of law to the board's attorney; and
- H. Put motions to a vote, stating definitely and clearly the vote and result thereof.

The president shall have the right, as other board members have, to offer resolutions, to discuss questions, and to vote.

In case of the absence or disability of the president, the vice-president shall perform the duties of the President. In case of absence or disability of both the president and vice-president, the board shall choose a president pro-tempore, who shall perform all the duties of the president.

ELECTION AND DUTIES OF PRESIDENT (continued)

In case of the resignation or removal of the president, the vice-president shall perform the duties of the president until such time as the Board conducts a special election to name a new President. This election should take place at the next regularly scheduled meeting of the board.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

President, Board President

Legal References: N.J.S.A. 18A:6-20 The right to testify; counsel; witnesses; compulsory process
N.J.S.A. 18A:6-54 Representative assembly; organization; election of board of directors and officers (educational services commission)
N.J.S.A. 18A:13-12 Organization of boards; failure to organize
N.J.S.A. 18A:15-1 President and vice president; election or failure to elect
N.J.S.A. 18A:15-2 Removal of president or vice president; vacancies
N.J.S.A. 18A:19-1 Expenditure of funds on warrant only; requisites
N.J.S.A. 18A:19-9 Compensation of teachers, etc., payrolls
N.J.S.A. 18A:54-18 Organization of boards of education (county vocational schools)
N.J.A.C. 6A:32-3.1 Special meetings of district boards of education

Possible

Cross References: *1120 Board of education meetings
 *9020 Public statements
 *9130 Committees
 *9322 Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

DUTIES OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY

A business administrator/board secretary shall be appointed by a recorded roll call majority vote at the annual reorganizational meeting for a term to expire not later than the following June 30th, except as subject to the tenure laws, but shall continue to serve after the expiration of the term until a successor is appointed and qualified. The business administrator/board secretary shall:

- A. Provide adequate notice of all public meetings (including the reorganization meeting) of the board to the members and those requesting notice in accordance with law;
- B. Record the minutes of all proceedings of the board and the results of annual or special school elections;
- C. Post and give notice of annual and special elections;
- D. Post and maintain a schedule of the regular meetings of the board;
- E. Be responsible for all duties concerning school board elections as specified in N.J.S.A. 18A:14-1 et seq.;
- F. Collect tuition fees and other monies due to the board;
- G. Examine and audit all accounts and demands against the board, present them to the board at its meetings, indicate the board's approval and send them to the treasurer for payment;
- H. Keep accounts of the school district's financial transactions including a correct detailed account of all expenditures;
- I. Report to the board at each regular meeting the amount of the total appropriations and cash receipts for each account, and the amounts of warrants drawn against each account, and the amounts of orders or contractual obligations incurred and chargeable against each account;
- J. Keep all contracts, records and documents belonging to the board;
- K. Give the board a detailed report of its financial transactions at the close of each fiscal year and file a copy with the Executive County Superintendent;
- L. Report to the Commissioner annually the amount of unpaid school debt, the interest rate payable, the dates of issue and the due dates of bonds or of the indebtedness;
- M. Prepare a summary of the annual audit and recommendations prior to the meeting of the board to act thereon and supply copies of the summary to interested persons;
- N. Perform such other duties as may be required by the board.

Adopted:	December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022
Readopted:	March 8, 2023

Key Words

President, Board President, Business Administrator, Board Secretary

See: Article IV, Section 3

ELECTION AND DUTIES OF THE SECRETARY (continued)

Legal References: <u>N.J.S.A. 18A:4-14</u>	Uniform system of bookkeeping for all school districts
<u>N.J.S.A. 18A:6-7.1</u> through -7-5	Criminal history record; employee in regular contact with with students; grounds for disqualification from employment, exception
<u>N.J.S.A. 18A:7 et seq.</u>	Executive county superintendents
<u>N.J.S.A. 18A:7F</u>	Comprehensive Educational Improvement and Financing Act
<u>N.J.S.A. 18A:7G</u>	Educational Facilities construction and financing Act
<u>N.J.S.A. 18A:12</u>	School Ethics Act
<u>N.J.S.A. 18A:16-1</u>	Officers and Employees in general
<u>N.J.S.A. 18A:16-2</u>	Physical examinations: requirement
<u>N.J.S.A. 18A:17-1</u>	Removal, etc. of secretaries, assistant secretaries, school business administrators and business managers during terms of office
<u>N.J.S.A. 18A:17-2</u>	Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
<u>N.J.S.A. 18A:17-5</u>	Appointment of secretary; terms; compensation; vacancy;
<u>N.J.S.A. 18A:17-6</u>	Bond of Secretary
<u>N.J.S.A. 18A:17-7</u>	Secretary to give notices, keep minutes, etc.
<u>N.J.S.A. 18A:17-8</u>	Secretary; collection of tuition and auditing of accounts
<u>N.J.S.A. 18A:17-9</u>	Secretary; report of appropriations, etc.
<u>N.J.S.A. 18A:17-10</u>	Secretary; annual report
<u>N.J.S.A. 18A:17-11</u>	Secretary; taking oaths
<u>N.J.S.A. 18A:17-12</u>	Secretary; annual financial report to the commissioner
<u>N.J.S.A. 18A:17-12.1,</u> 12.2	Secretary; retirement of pension amount
<u>N.J.S.A. 18A:17-13</u>	Assistant and acting secretaries, appointment, powers and duties
<u>N.J.S.A. 18A:17-14</u>	Clerks in the Secretaries office
<u>N.J.S.A. 18A:17-14.1</u>	Appointment of school business administrator
<u>N.J.S.A. 18A:17-14.2</u>	Qualifications
<u>N.J.S.A. 18A:17-14.3</u>	Secretary or business manager appointed school administrator; tenure
<u>N.J.S.A. 18A:17-24.1</u> through -24.9	Superintendents and school business administrators shared by two or more school districts, approval
<u>N.J.S.A. 18A:18A</u>	Public School contract Law
<u>N.J.S.A. 18A:19</u>	Expenditures of funds; Audited payment of claims
<u>N.J.S.A. 18A:21</u>	Capital projects
<u>N.J.S.A. 18A:22</u>	Budget and Appropriations
<u>N.J.S.A. 18A:23-4</u>	Preparation and distribution of synopsis or summary
<u>N.J.S.A. 18A:28-5</u>	Tenure of teaching staff members
<u>N.J.S.A. 18A:30.5</u>	Payment for accumulated sick leave
<u>N.J.S.A. 18A:30-9</u>	Payment for accumulated vacation leave
<u>N.J.S.A. 18A:33</u>	Facilities in general
<u>N.J.S.A. 18A:39</u>	Transportation to and from school
<u>N.J.S.A. 19:60</u>	School election
<u>N.J.S.A. 34:5A-1 et seq.</u>	NJ Worker and Community Right to Know Act
<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for equality and equity in education
<u>N.J.A.C. 6A:9</u>	Professional standards
<u>See particularly</u> <u>N.J.A.C. 6A:9-3.4</u>	Professional standards for teachers and school leaders
<u>N.J.A.C. 6A:9B-12.3</u>	Authorization
<u>N.J.A.C. 6A:9B-12.4</u>	School business administrator

ELECTION AND DUTIES OF THE SECRETARY (continued)

<u>N.J.A.C.</u> 6A:9B-13	Acting administrators
<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u>	Required professional development for school leaders
<u>N.J.A.C.</u> 6A:16-1.3 and 3.1	Prohibition of substance smoking and tobacco use on school grounds
<u>N.J.A.C.</u> 6A:23A	Fiscal Accountability, efficiency and budgeting procedures
<u>N.J.A.C.</u> 6A:23A-3.1	Review of contracts for superintendents, assistant superintendents and business administrators
<u>N.J.A.C.</u> 6A:24	Urban education reforms in Abbot districts
<u>N.J.A.C.</u> 6A:25	Qualified zone academy bonds
<u>N.J.A.C.</u> 6A:26	Educational facilities
<u>N.J.A.C.</u> 6A:27	Student Transportation
<u>N.J.A.C.</u> 6A:28	School operations
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the performance of school districts
<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School employees' physical exams
<u>N.J.A.C.</u> 8:59-11.1 <u>et seq.</u>	NJ Worker and Community Right to Know Act
<u>N.J.A.C.</u> 12:100-4.2	Safety and health standards for public employees' occupational exposure to bloodborne pathogens

Immigration Reform and Control Act of 1986 8 U.S.C.A. 100 et seq.

Blood –borne Pathogens Standard 29 CFR 1910 1030

Possible

Cross References: *1120 Board of trustees meetings
 *9020 Public statements
 *9130 Committees
 *9322 Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

TREASURER OF SCHOOL MONEYS

The Salem City Board of Education shall appoint a treasurer of school moneys who shall be the treasurer of the monies of the municipality unless the board designates the tax collector of the municipality as such provided, however, that if both the treasurer of the municipality and the tax collector of the municipality submit written notifications to the Board that they do not want to serve as treasurer of school monies, the Board shall appoint any other suitable person except a member or employee of the Board, with a term of office fixed by the Board as such Treasurer.

The treasurer of school monies shall:

- A. Receive and hold in trust all school moneys, except monies from athletic events and pupil organization activities, and deposit them in the bank or banks designated by the board, N.J.S.A. 18A:17-34;
- B. Pay out school monies only on warrants made payable to the person entitled to receive payment and specifying the object for which it is issued and signed by the president, secretary and treasurer, N.J.S.A. 18A:19-1;
- C. Receive school employee payrolls and a warrant for the full amount of each payroll certified by the president and secretary, deposit the warrants in a separate payroll account, and issue individual checks drawn on such account to each employee, N.J.S.A. 18A:19-9, 19-10;
- D. Give public notice when funds are on hand for payment of interest bearing warrants issued for which no funds were available, N.J.S.A. 18A:19-12;
- E. Keep a record of monies received and paid out in books provided for that purpose and in accordance with a bookkeeping system prescribed by the State Board, N.J.S.A. 18A:17-35;
- F. Pay over the balance of school funds on hand to his/her successor, N.J.S.A. 18A:17-35;
- G. Render a monthly report to the Board giving a detailed account of all receipts, the amounts of all warrants issued, the accounts from which they were drawn and the balance in each account, N.J.S.A. 18A:17-36;
- H. Render an annual report showing the amounts received and disbursed by him/her during the school year and file a copy with the Executive County Superintendent, N.J.S.A. 18A:17-36; and
- I. Receive the proceeds of any bond sale and disburse them only to pay the expenses of issuing and selling the bonds, the purpose for which the bonds were issued, and the temporary investment of the funds, N.J.S.A. 18A:24-47.

Adopted: June 12, 2002, December q12, 2007, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Treasurer of School Money, School Money, Treasurer

<u>Legal References:</u>	<u>N.J.S.A. 18A:17-31</u>	Treasurers of school moneys; who to act
	<u>N.J.S.A. 18A:17-32</u>	Bond of treasurer
	<u>N.J.S.A. 18A:17-34</u>	Receipt and disposition of moneys
	<u>N.J.S.A. 18A:17-35</u>	Records of receipts and payments

TREASURER OF SCHOOL MONEYS (continued)

<u>N.J.S.A.</u> 18A:17-36	Accounting; monthly and annual reports
<u>N.J.S.A.</u> 18A:19-1	Expenditure of funds on warrant only; requisites
<u>N.J.S.A.</u> 18A:19-9	Compensation of teachers, etc.; payroll
<u>N.J.S.A.</u> 18A:19-10	Payroll bank account; checks for compensation
<u>N.J.S.A.</u> 18A:19-12	Interest payable on certain warrants not immediately paid
<u>N.J.S.A.</u> 18A:24-47	Payment to custodian; application

Possible

<u>Cross References:</u>	*1100	Communicating with the public
	*1120	Board of education meetings
	*3570	District records and reports
	*3571.4	Audit
	9123	Business administrator/board secretary
	9127	Appointment of auditor

*Indicates that the policy is the Critical Policy Reference Manual.

Bylaw

BOARD ATTORNEY

The school board attorney (solicitor) shall be selected by the Salem City Board of Education and employed at will.

The attorney should advise the board as to proper legal and contractual procedures in which the board must take action and/or make a decision.

The attorney shall be accessible for consultation by the superintendent, board president, board vice president and business administrator/board secretary concerning legal matters. Legal inquiries of administrative staff shall be directed through the superintendent.

The attorney shall act as counsel for the board in prosecuting and defending any action or suit in which the board is involved and perform such other legal services as the board may from time to time subscribe.

The attorney or representative shall attend board meetings upon request.

The board of education recognizes that the use of legal services is an integral part of the governance of the school district it serves and that these legal services must be used prudently and ethically.

Procedures and Recordkeeping

The board of education hereby establishes procedures and recordkeeping of the use of those legal services.

The superintendent shall establish and the board of education shall approve procedures that shall include:

- A. A limited number of contact persons (superintendent, board president, board vice president and business administrator/board secretary) with the authority to request services or advice from contracted legal counsel;
- B. The criteria or guidance to prevent the use of legal counsel unnecessarily for management decisions or readily available information contained in district materials such as policies, administrative regulations or guidance available through professional source materials;
- C. A provision that requests for legal advice shall be made in writing and shall be maintained on file in the district offices and a process to determine whether the request warrants legal advice or if legal advice is necessary;
- D. A provision to maintain a log of all legal counsel contact including name of legal counsel contacted, date of contact, issue discussed and length of contact. Legal bills shall be compared to the contract log and any variances shall be investigated and resolved;
- E. Contracts for legal services comply with payment requirements and restrictions pursuant to N.J.S.A. 18A:19-1 et seq., and as follows:
 - 1. Advance payments shall be prohibited;
 - 2. Services to be provided shall be described in detail in the contract;
 - 3. Invoices for payment shall itemize the services provided for the billing period; and,
 - 4. Payment shall only be for services actually provided.

Professional services contracts for legal services shall be issued in a deliberative and efficient manner such as through a request for proposal (RFP) based on cost and other specified factors or other comparable

process that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement.

Professional services contracts for legal services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

District employees and board members are prohibited from contracting with legal counsel or using in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district employees, administrators and/or board members for any claim or cause of action in which the damages to be awarded would benefit an individual rather than the district as a whole.

For additional guidance related to the prudent use of legal services and conformance to New Jersey statutes, see policy 3327 Relations with Vendors.

Adopted: June 12, 2002, December 12, 2007, September 10, 2008,
September 12, 2018
Revised:
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Board Attorney, Organization Meeting

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:16-6	Indemnity of officers and employees against civil actions
	<u>N.J.A.C.</u> 6A:23A-5.2	Public relations and professional services

Possible

<u>Cross References:</u>	3327*	Relations With Vendors
	9322.1	Annual Organization Meeting

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

DUTIES OF THE AUDITOR

The auditor shall conduct the necessary investigation, accounting and checking of those accounts, bills, revenues, etc., essential to the public statement of the financial status of the board for the school year as demanded by State Department rules of audit, which audit shall be completed not later than November 1st after the end of the school fiscal year.

Each annual audit shall include an audit of the books, accounts and monies, and a verification of all cash and bank balances, of the board and of any officer or employee thereof and of monies derived from athletic events or the activities of any organization of public school pupils conducted under the auspices of the board, from the date of the last annual audit to the date of the audit in question.

The report of each annual audit shall be filed by the public school accountant making the same, with his/her recommendations to the board of education of the district, and such auditor shall within five days thereafter file two duplicate copies thereof certified under his/her signature in the office of the executive county superintendent.

The business administrator/board secretary shall prepare or have prepared a synopsis or summary of the annual audit and recommendations, prior to the holding of the meeting of the board of education to take action thereon; a copy which synopsis or summary shall be available for distribution to interested parties at the meeting.

Within 30 days following receipt of the report of the annual audit the Salem City Board of Education shall, at a regularly scheduled public meeting, cause the recommendations of the auditor to be read and to be discussed and the discussion duly noted on the official minutes of said meeting.

Adopted: July 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Auditor, Audit, Money, Funds, Appointment

<u>Legal References:</u>	<u>N.J.S.A. 18A:23-1 et seq.</u>	Audits and auditors
	<u>N.J.S.A. 18A: 23-2</u>	Scope of audit
	<u>N.J.S.A. 18A:23-3</u>	Filing; summary of recommendations; publication
	<u>N.J.A.C. 6A:23A-16.2</u>	Principles and directives for accounting and reporting

Possible

<u>Cross References:</u>	*3000/3010	Concepts and roles/goals and objectives in business
	*3100	Budget planning and preparation
	*3571.5	Audit
	*9326	Minutes

* Indicates that the policy is in the Critical Policy Reference Manual.

Bylaw

COMMITTEES

In order to use the time, effort and expertise of the members of the board effectively, the Salem City Board of Education shall operate under a committee system.

Standing Committees

The board may authorize the establishment of such standing committees from among its membership as it finds necessary to study operations in specific areas and to make recommendations for board action. The following rules will govern the appointment and function of such committees:

- A. The committee shall be established through action of the board;
- B. The committee chairperson and members shall be appointed by the board president;
- C. The committee shall be provided with a list of its functions and duties;
- D. The committee may make recommendations for board action, but it may not act for the board;
- E. The board president and superintendent shall be ex officio members of all standing committees;
- F. All standing committees shall be dissolved at the end of the board's year – at the annual organizational meeting. They may be dissolved at any time by a motion of the board.

The standing committees of the Salem City Board of Education shall include:

- A. Personnel / Negotiations;
- B. Policy / Facilities / Finance;
- C. Curriculum/Student Matters.

Special Committees

Special committees may be created for special assignments. The same rules shall apply to special committees as apply to standing committees, except that they shall be dissolved upon completion of their assignment.

Committee of the Whole

The board reserves the right to meet and work as a committee of the whole in informational, discussion, and exploratory sessions. No official action shall be taken at these meetings, unless so advertised.

Membership in Organizations

The Salem City Board of Education shall be a member of the New Jersey School Boards Association, the Salem County Chamber of Commerce, the Salem County School Boards Association, the Urban Boards Association and such other associations as shall be determined by the Salem City Board of Education annually.

Salem County Chamber of Commerce Representative

COMMITTEES (continued)

Annually, the Board President will appoint a representative from among the members of the Board to act as a liaison to the Salem County Chamber of Commerce. This representative shall not vote to commit the Salem City Board of Education to any action without gaining prior approval from the Board of Education.

The representative will attend meetings of the Chamber of Commerce in order to:

1. Keep current on issues that may be of interest to the Board of Education and the Chamber of Commerce;
2. Build working relationships with representatives of the business community;
3. Report to the Board of Education in a timely fashion on matters that should be of interest.

New Jersey School Boards Association Representative

Annually, the Board President will appoint a representative and an alternate from among the members of the Board to act as a representative to the New Jersey School Boards Association (NJSBA). Neither the representative nor the alternate shall vote to commit the Salem City Board of Education to any action without gaining prior approval from the Board of Education.

The representative or the alternate will attend meetings of the NJSBA in order to:

1. Gain an understanding of what other districts in the state are doing;
2. Keep current on issues that may be of interest to the Board of Education, i.e., regionalization, shared services, legislation, state regulations, funding, etc;
3. Build working relationships with representatives of other Boards of Education and the NJSBA officials.
4. Report to the Board of Education in a timely fashion on matters that should be of interest.

Urban Board Representation

Annually, the Board President will appoint a representative from among the members of the Board to act as a representative to the Urban Board Association. The representative shall not vote to commit the Salem City Board of Education to any action without gaining prior approval from the Board of Education.

The representative or the alternate will attend meetings of the NJSBA in order to:

1. Gain an understanding of what other urban districts in the state are doing;
2. Keep current on issues that may be of interest to the Board of Education, i.e., state regulations, funding, etc;
3. Build working relationships with representatives of other Urban Boards of Education;
4. Report to the Board of Education in a timely fashion on matters that should be of interest.

Legislative Representative

Annually, the Board President will appoint a representative and an alternate from among the members of the Board to act as a Legislative Representative. Neither the representative nor the alternate shall vote to commit the Salem City Board of Education to any action without gaining prior approval from the Board of Education.

The representative or the alternate will:

1. Receive all communications and publications from the New Jersey School Boards Association regarding legislative activities impacting significant educational issues. This includes

COMMITTEES (continued)

the Legislative Directory, the Legislative Advisories and the Legislative Chairperson's Report.

2. Reviews these materials and reports on them to the Salem City Board of Education;
3. Bring "calls for action" to the attention of the Board of Education and responds to "calls for action" when so charged by the Board. Such calls would be initiated by Legislative Advisories marked "Urgent: or "Action Needed."

Adopted: September 11, 2006, December 12, 2007, September 12, 2018,
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

Committees, Board Committees

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
N.J.S.A. 18A:10-6 Board meetings public; frequency; hours of
 commencement; adjournment, etc., for lack of quorum
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-21 et seq. School Ethics Act
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A02-00

School Ethics Commission, Advisory Opinion, A14-00

Possible

Cross References: *1220 Ad hoc advisory committees
 *9121 Election and duties of president
 9320 Meetings

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

BOARD CONSULTANTS

The Salem City Board of Education may authorize the hiring of consultants to perform special assignments and/or duties as directed by the board. The board shall fix compensation for consultant services. The fees must be consistent with budget appropriations and shall require board approval. All consultants must be registered with the state of New Jersey as required by law.

Professional services contracts shall be issued in a deliberative and efficient manner that ensures that the district receives the highest quality services possible at a fair and competitive price, or through a shared services agreement.

The Board will not contract for vague services such as undefined "management studies," and all proposals will be submitted to the school attorney for review before a contract for consulting services is signed. The superintendent will establish procedures necessary for an efficient working relationship between the consultant and the Board and/or staff members.

The board shall minimize the cost of using consultants (defined in N.J.A.C. 23A-9.3(c)14) by establishing in the budget a maximum annual amount for such activities. The board shall be notified if it becomes necessary to exceed the maximum appropriated for public relations and, upon notification, may adopt an increase in the amount through formal board action.

Consultants, whether they are temporary, part-time or full-time workers shall exercise no administrative authority over the work of employees of the board but shall act only as advisers in those fields in which they are qualified to offer expert assistance.

Professional services contracts shall be limited to nonrecurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

District employees and individual board members are prohibited from contracting with consultants without the written approval of the board of education.

Adopted: June 12, 2003, December 12, 2007, September 10, 2008,
September 12, 2018

Revised:

NJSBA Review/Update: May 2022

Readopted: March 8, 2023

Key Words

Board Consultants, Consultant Proposals

<u>Legal References:</u>	N.J.S.A. 18A:11-1	General and mandatory powers and duties
	N.J.S.A. 53:32-44	Business registration for providers of goods and services
	N.J.A.C. 6A:23-5.2	Public relations and professional services

Possible

Cross References:

*3320

Purchasing procedures

*3327

Relations with vendors

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

PUBLIC RELATIONS INITIATIVES AND SERVICES

The Salem City Board of Education recognizes that the use of public relations initiatives is an integral part of the governance of the school district it serves and that public relations activities must be used prudently, ethically and only to further the educational program of the district.

The board shall annually approve a maximum dollar limit to be used for public relations activities of the district as defined in N.J.A.C. 23A-9.3(c)14, and each type of professional service, with appropriate notification to the board if it becomes necessary to exceed the established maximum dollar limit. Upon such notification, the board may adopt a specified dollar amount of increase to the amount established. Such increase shall be approved by formal action of the board.

Professional Public Relations Services

Professional services contracts for public relations services shall be issued in a deliberative and efficient manner such as through a Request for Proposal (RFP) based on cost and other specified factors or other comparable process that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement.

Professional services contracts for public relations services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

District employees and board members are prohibited from contracting with professional public relations firms or using in-house resources for personal gain or promotion.

Publications

District publications shall be produced and distributed in the most cost-efficient manner possible that will enable the district to inform and educate the targeted community. The use of expensive materials or production techniques where lower cost methods are available, such as the use of multi-color glossy publications instead of suitable, less expensive alternatives, is prohibited.

The board of education prohibits the distribution, via mass mailings or other means to the district community at large, publications that include the picture(s) of any members of the Board of Education within 90 days before any election in which any board member is seeking any elective office or any election relating to district operations held in the district.

Any publication(s) distributed by the board via mass mailings or other means to the district community at large within 60 days before any election in which any Board Member is seeking any elective office or any election relating to district operations held in the district must be submitted to the Executive County Superintendent for review prior to distribution to ensure that the public funds are being expended in a reasonable and cost-effective manner.

Public relations activities, such as booths at statewide conferences, marketing activities and celebrations for opening schools and community events and TV productions that are not part of the instructional program or do not provide, in a cost-effective way, information about district or Board operations to the public, that are excessive in nature are prohibited.

All activities involving promotional efforts to advance a particular position on school elections or any referendums are prohibited.

PUBLIC RELATIONS INITIATIVES AND SERVICES (continued)

Nothing herein shall preclude the board from accepting donations or volunteer services from community members, private educational foundations and businesses to conduct or assist in public relations services. Examples include, but are not limited to:

- A. Providing district flyers, newsletters or other materials containing district related information of public concern to local businesses, public meeting places or other local organizations to display or make available for dissemination;
- B. Making district related information of public concern available to local newspapers to publish related articles; and
- C. Utilizing volunteered services of community members, district employees, members of parent organizations or businesses with expertise in related areas such as printing, advertising, publishing or journalism.

Adopted: September 10, 2008, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words: Public Relations, Publications

<u>Legal References:</u>	N.J.S.A. 18A:16-1 N.J.S.A. 18A:19-1 N.J.A.C. 6A:23A-5.2	Officers and employees Expenditure of funds on warrant only Additional Measures To Ensure Effective and Efficient Expenditures Of District Funds
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SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9200

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Bylaw

ORIENTATION AND TRAINING OF BOARD MEMBERS

Orientation of New Board Members

The superintendent shall prepare materials to introduce new board members to the operating procedures of the district and the details of the curriculum.

Sufficient funds shall be allocated to reimburse new board members for attending New Jersey School Boards Association training in superintendent evaluation within the first six months after taking office, and an NJSBA new board member orientation within the first year of taking office.

Administrative code defines "newly elected or appointed board member" as any board member who has never served as a member of either an elected or appointed school board.

Code of Ethics Training

The board shall ensure that all members of the board receive and review a copy of the Code of Ethics for School Board Members. Each board member shall sign an acknowledgement that he/she has received and read it. Training as required by the administrative code shall be scheduled to familiarize board members with the contents and requirements of the Code of Ethics.

Mandated Training

The board shall ensure that each newly elected or appointed board member receive training in their first year of service regarding skills and knowledge necessary to serve as a school board member. This training shall be offered by the NJSBA, in consultation with New Jersey Association of School administrators, the New Jersey Principals and Supervisors Association, and the Department of Education, and shall include information regarding the New Jersey Quality Single Accountability Continuum, and the five key components of school district effectiveness on which the school district is monitored: instruction and program; personnel; fiscal management, operations and governance.

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including the school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

Each board member shall, in both the second and third year of service on the board, complete the NJSBA training on school district governance.

The NJSBA advanced training program shall be completed by board members within one year of re-election or reappointment to the board of education.

Inservice Development

State, regional and national workshops, conventions, conferences and seminars developed by associations such as the New Jersey School Boards Association, the National School Boards Association, the New Jersey Association of School Administrators, etc., provide unique opportunities for board members to broaden their understanding of their responsibilities, learn new tools and techniques for coping with them, and keep up to date on educational trends.

ORIENTATION AND TRAINING OF BOARD MEMBERS (continued)

Therefore, the board recommends that, in addition to sending the mandated delegate to the New Jersey School Boards Association's Delegate Assemblies, the board send representatives to such educational conferences, workshops, conventions and seminars as it shall decide upon each year.

The same regulations regarding travel arrangements and reimbursement developed for other district-paid attendance at such events shall apply. The board will annually determine the number of its members who may attend conferences and workshops out of state.

The superintendent shall prepare a checklist for district representatives to such events, to aid them in preparing meaningful reports for the board and the district as a whole. The report shall be presented at a regular meeting of the board within a month of the delegation's return.

Adopted: June 12, 2002, December 12, 2007, April 29, 2009, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

Orientation and Training of Board Members, Board Member Orientation, Board Member Training

Legal References: N.J.S.A. 18A:6-45 through -50 New Jersey School Boards Association established ...
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-21 et. seq. School Ethics Act
N.J.S.A. 18A:12-24.1 Code of Ethics for School Board Members
N.J.S.A. 18A:12-33 Training program for new board members
N.J.S.A. 18A:17-20.3 Evaluation of superintendents; school board training program
N.J.S.A. 18A:37-13 Anti-Bullying Bill of Rights Act
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:10-8.1 et seq. Evaluation of the superintendent
N.J.A.C. 6A:28-1.2 Definitions
N.J.A.C. 6A:28-1.6 Order to show cause
N.J.A.C. 6A:28-4.1 Board member training
N.J.A.C. 6A:32-3.2 Requirements for the Code of Ethics for school board members and charter school board of trustee members

Amended resolution of the School Ethics Commission (3/23/99)

Possible

Cross References: 1500 Relations between area, county, state, regional and national associations and the district
 *2131 Superintendent
 *9250 Expenses
 *9271 Code of Ethics

*Indicates policy is included in the Critical Policy Reference Manual.

EXPENSES AND REIMBURSEMENTS

Board members receive no payment for their services. With board approval, they may be reimbursed for out-of-pocket expenses incurred on board business.

Travel and Related Expenses

Travel reimbursement will be paid only upon compliance with the board's policy provisions and approval requirements. Board members and employees shall only be reimbursed for work-related travel that is directly related to and within the scope of the board member's and employee's current work responsibilities. Board members and employees shall only be reimbursed for travel that:

- A. Promotes the delivery of instruction and is critical to the instructional needs of the school district or furthers the efficient operation of the school district;
- B. Is educationally necessary and fiscally prudent; and
- C. Is directly related to and within the scope of the board member's current responsibilities, and for school district employees, the school district's professional development plan.

As described in this policy, school district travel expenditures include, but are not limited to, all costs for transportation, meals, lodging, and registration or conference fees to and for the travel event. School district travel expenditures include costs for all required training and all travel authorized in existing school district employee contracts and school board policies. This includes, but is not limited to, required professional development and other staff training, required training for new school board members, and attendance at specific conferences authorized in existing employee contracts.

Travel Payments

Travel payments will be paid only upon compliance with the school board's policy provisions and approval requirements. The school board will not ratify or approve payments or reimbursements for travel after completion of the travel event. All board members and employees shall adhere to the following specifications to be considered for reimbursement:

- A. Reimbursement may not exceed State travel reimbursement guidelines as established by the Department of Treasury in NJOMB circular, including but not limited to the types of travel, methods of transportation, mileage allowance, meal allowance, overnight travel and supporting documentation;
- B. Reimbursement must also be in compliance with OMB Circular 16-11-OMB (found at <http://www.state.nj.us/infobank/circular/circindx.htm>). No reimbursement will be issued without submission of written documentation such as receipts, checks and vouchers detailing the amount the expenditures. Such documentation must be submitted within a timeframe to be established by the board;
- C. Travel expenditures must be in compliance with state travel payment guidelines as established by the Department of the Treasury and with guidelines established by the federal Office of Management and Budget; except that those guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable, including, but not limited to, the authority to issue travel charge cards. All applicable restrictions and requirements set forth in the State and federal guidelines including, but not limited to, types of travel, methods of transportation, mileage allowance, subsistence allowance, and submission of supporting documentation including receipts, checks or vouchers, shall be observed;

EXPENSES (continued)

- D. Board members and employees shall provide within one week, a brief report that includes, as appropriate, but may not be limited to, a description of the primary purpose for the travel, and a summary of the goals and key issues that were addressed at the event and their relevance to improving instruction or the operation of the school district. This report will be submitted to the board secretary or other appropriate party designated by the board;
- E. Pursuant to N.J.A.C. 6A:23A-5.9 concerning out-of state and high-cost travel events, out-of-state travel shall be limited to the fewest number of board members or employees needed to present the content at the conclusion of the event. Lodging may only be provided if the event occurs on two or more consecutive days and where home-to-event commute exceeds 50 miles. Prior written approval of the Executive County Superintendent may be required when the travel event has a total cost that exceeds \$5000.

In addition to the requirements above, employee travel, to be reimbursable, must be directly related to the employee's professional development. No district employee shall be reimbursed for travel and related expenses without prior written approval of the superintendent and prior approval by a majority of the full voting membership of the board (as set forth below).

Prior Approval Is Required

Board members shall only be reimbursed for travel and related expenses that have received prior approval by a majority of the full voting membership of the board, and are in compliance with N.J.S.A. 18A:12-24 and 24.1 of the School Ethics Act.

- A. Specifically, a board member must recuse himself from voting on travel if the board member, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that may reasonably be expected to impair his objectivity or independence of judgment;
- B. Also, a board member shall not: act in his official capacity in any matter in which he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family; or undertake any employment or service, whether compensated or not, which may reasonably be expected to prejudice his independence of judgment in the execution of his official duties;
- C. For employees, a board of education requires that travel occur only upon prior written approval of the superintendent and prior approval by a majority of the full voting membership of the board; and
- D. For board members, travel may occur only upon prior approval by a majority of the full voting membership of the board and that the travel be in compliance with section 4 of P.L.1991, c.393 (C.18A:12-24) and section 5 of P.L.2001, c.178 (C.18A:12-24.1).

Regular Business Travel Authorization and Approval

Regular business travel, such as NJDOE meetings and association events, is authorized by the board not to exceed \$1,500 per employee, pursuant to N.J.A.C. 6A:23A-7.3(b). Approval by the superintendent or designee is required, including justification for the travel. Regular business travel is authorized for regularly scheduled in-state professional development activities for which the registration fee does not exceed \$150 per employee or board member.

Travel Advances Are Banned

EXPENSES (continued)

An employee of the school board, a school board member, or organization, shall not receive an amount for travel and travel-related expenses in advance of the travel pursuant to N.J.S.A 18A:19-1 et seq.

Annual Maximum Travel Expenditure Amount

The board shall:

- A. Allot in its annual budget a maximum travel expenditure amount and annually review its policy to assure that it properly reflects the amount budgeted;
- B. Vote to authorize each reimbursement; specifying the way in which it promotes the delivery of instruction or furthers the efficient operation of the school district, within the maximum annual amount;
- C. Annually in the prebudget year, establish by school board resolution, a maximum travel expenditure amount for the budget year, which the school district shall not exceed in that budget year. The school board resolution shall also include the maximum amount established for the prebudget year and the amount spent to date;
- D. Provide that the maximum school district travel expenditure amount shall include all travel in accordance with this policy supported by local and State funds.

Additional Detailed Accounting Requirements which Demonstrate Compliance

In order to demonstrate compliance with this policy, documentation of all reimbursed travel expenses shall be maintained on file. This record may include receipts, checks and vouchers submitted in connection with any reimbursement. The district shall maintain separate accounting for school district travel expenditures as necessary, to ensure compliance with the school district's maximum travel expenditure amount. This may include, but need not be limited to, a separate or offline accounting of such expenditures or expanding the school district's accounting system. The tracking system shall be sufficient to demonstrate compliance with the board's policy and this section, and shall provide auditable information.

To minimize travel expenditures, school boards and staff will take the following steps:

- A. "Retreats" will be held at school district facilities, if available. A retreat is a meeting of school district employees and school board members, held away from the normal work environment, at which organizational goals and objectives are discussed;
- B. A school district shall not bear costs for car rentals, limousine services, and chauffeuring costs to or during the event, as well as costs for employee attendance for coordinating other attendees accommodations at the travel event;
- C. One-day trips that do not involve overnight lodging are not eligible for a subsistence payment or reimbursement except in limited circumstances authorized in Department of the Treasury guidelines;
- D. Overnight travel is eligible for a subsistence payment or reimbursement as authorized in Department of the Treasury guidelines, except as otherwise superseded by the following:
 - 1. Per diem payment or reimbursement for lodging and meals will be actual reasonable costs, not to exceed the federal per diem rates as established in the federal register for the current year;
 - 2. Lodging expenses may exceed the federal per diem rates if the hotel is the site of the convention, conference, seminar or meeting and the going rate of the hotel is in excess of the federal per diem rates. If the hotel at the site of the convention, conference, seminar, or meeting is no longer available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate for

EXPENSES (continued)

- the event;
3. Receipts are required for hotel expenses. Meal expenses under the federal per diem allowance limits do not require receipts;
 4. In any case in which the total per diem reimbursement is greater than the federal per diem rate, except when the going rate for lodging at the site of the convention or meeting exceeds federal per diem rates, the costs will be considered to be excessive and shall not be paid by school district funds;
 5. School districts shall patronize hotels and motels that offer special rates to government employees unless alternative lodging offers greater cost benefits;
 6. Payment or reimbursement is approved for the full cost of an official convention meal that the employee or school board member attends, when the meal is scheduled as an integral part of the convention or conference proceedings. If a meal is included in the registration fee, the allowance for the meal is not eligible for reimbursement; and
 7. Air and rail tickets shall be purchased via the internet, if possible, using online travel services such as Travelocity, Expedia, or Hotwire.

Blanket or general pre-approval for travel is not authorized, and will not be permitted by the board. Specifically, approval shall be itemized by event, event total cost, and number of employees and school board members attending the event. However, a school board may also approve, at any time prior to the event, travel for multiple months as long as the school board approval, as detailed in school board minutes, itemizes the approval by event, total cost, and number of employees and school board members attending the event.

Types of Expenditures Not Eligible for Reimbursement

Unnecessary and excessive travel expenditures as listed in N.J.A.C. 6A:23A:7.8 are prohibited. Prohibited types of expenditures include: travel by spouses and other relatives; costs for unnecessary employee attendance (for example employees who merely coordinate other attendees' accommodations at the travel event); charges for laundry, valet service and entertainment; district payment for alcoholic beverages; excessive tipping and gratuities; airfare without documentation of at least three (3) price quotes; and souvenirs. Travel expenses, subsistence expenses and incidental travel expenses shall only be allowable when consistent with N.J.A.C. 6A:23A-7.

Penalties

The board by this policy informs its members and staffs that the penalties for violating this policy based on state law include:

- A. By law, any district board of education that violates its established maximum travel expenditure, or that otherwise is not in compliance with the travel limitations set forth in this section may be subject to sanctions by the commissioner as authorized pursuant to N.J.S.A. 18A:4-23 and N.J.S.A. 18A:4-24, including reduction of State aid in an amount equal to any excess expenditure;
- B. A person who approves any travel in violation of the school district's policy or this section shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event;
- C. An employee or member of the board of education who travels in violation of the school district's policy or this section shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event.

The superintendent may develop regulations to implement this policy.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
 NJSBA Review/Update: May 2022

EXPENSES (continued)

Readopted: March 8, 2023

Key Words

Reimbursement of Board Members, Board Member Reimbursement, Board Member Expenses, Employee Reimbursement, Employee Expenses, Reimbursement of Employees

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:2-1	Power to effectuate action
	<u>N.J.S.A.</u> 18A:4-23 and 24	Supervision of schools; enforcement of rules Determining efficiency of schools; report to state board
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A: 11-12	Travel and expenditures; definitions; policies and procedures; application to charter schools
	<u>N.J.S.A.</u> 18A:12-4	Compensation of members
	<u>N.J.S.A.</u> 18A:12-24 and 24.1	<u>School Ethics Act</u> (conflict of interest) Code of Ethics
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:55-3	School districts, conditions for receipt of State aid.
	<u>N.J.S.A.</u> 6A:23A-5.9	Out of state and high cost travel
	<u>N.J.S.A.</u> 6A:23A-7.1 <u>et seq.</u>	Travel policies and procedures

See also: In the Matter of Anthony Esgro, Luis Perez, Clifford Meeks and Frank Speziali,
Glassboro Board of Education, CO7-97, March 30, 1998

Possible

<u>Cross References:</u>	3571	Financial reports
	*9200	Orientation and training of board members
	*9270	Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9270
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Bylaw

CONFLICT OF INTEREST

The Salem City Board of Education accepts the responsibility of governing the operation of the district in the best interests of the total community. Individual members shall subscribe to the code of ethics in bylaw #9271 Code of Ethics. The board as a body, and the members individually, wish at all times to avoid attitudes and actions that might give rise to public questioning of the integrity of any board decision.

Therefore, in addition to complying with all statutory requirements:

- A. No board member shall hold any form of paid employment with the district while he/she is serving, nor for six months after leaving office;
- B. No board member shall have an interest directly or indirectly in any contract with or claim against the board;
- C. No board member shall serve as mayor or as a member of the municipal or county level governing body of the district;
- D. Board members shall be in compliance with policy 4112.8/4212.8 Nepotism.

Prohibited Actions

In accordance with the N.J.S.A. 18A:12-21 et seq. no board member shall:

- A. Have an interest nor shall his/her immediate family have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- B. Use or attempt to use his/her official position to secure unwarranted privileges, advantages or employment for himself/herself, members of his/her immediate family or others;
- C. Act in his official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his/her objectivity or independence of judgment. No school official shall act in his/her official capacity in any matter where he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the school official or member of his/her immediate family;
- D. Undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties;
- E. Solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his/her official duties, nor shall a member of his/her immediate family, or business organization in which he/she has an interest;

CONFLICT OF INTEREST (continued)

- F. Use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his/her immediate family, or any business organization with which he is associated;
- G. Represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he/she serves or in any proceeding involving the school district in which he/she serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities, nor shall a business organization in which he/she has an interest;
- H. Be deemed in conflict with these provisions if, by reason of his/her participation in any matter required to be voted upon, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation or group;
- I. Be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member or a member of his immediate family, whether directly or indirectly, in return therefor; and
- J. Nothing shall prohibit any board member, or members of his/her immediate family, from representing himself/herself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

Conflict of Interest, Board Member Conflict of Interest, Board Member Ethics, Ethics

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-8	Interest of school officers, etc., in sale of textbooks or supplies; royalties
	<u>N.J.S.A.</u> 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A.</u> 18A:12-1.1	Ineligibility for appointment to paid office or position filled by board
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
	<u>N.J.S.A.</u> 52:13D-12 <u>et seq.</u>	Legislative findings ... (regarding conflict of interest)
	<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
	<u>N.J.A.C.</u> 6A:32-3.2	Requirements for the Code of Ethics for school board members and charter school board of trustee members

Visotcky v. City Council of Garfield, 113 N.J. Super. 263 (App. Div. 1971)

Vittoria v. West Orange Board of Education, 122 N.J. Super. 340 (App. Div. 1973)

Elms v. Mt. Olive Board of Education, 1977 S.L.D. 713

Scola v. Ringwood Board of Education, 1978 S.L.D. 413

Salerno v. Old Bridge Township Board of Education, 1984 S.L.D. (April 23)

CONFLICT OF INTEREST (continued)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A02-00

School Ethics Commission, Advisory Opinion, A14-00

Possible

Cross References: *4112.8/4212.8 Nepotism
*9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9271
Monitored
X Mandated
X Other Reasons

Bylaw

CODE OF ETHICS

The members of the Salem City Board of Education recognize that they hold authority not as individuals but as members of the board. In order to make a clear public statement of its philosophy of service to the students of the district, the board adopts this code of ethics.

- A. I will uphold and enforce all laws, state board rules and regulations, and court orders pertaining to schools. Desired changes should be brought about only through legal and ethical procedures;
- B. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools which meet the individual needs of all children regardless of their ability, race, creed, sex or social standing;
- C. I will confine my board action to policymaking, planning and appraisal and I will help to frame policies and plans only after the board has consulted those who will be affected by them;
- D. I will behave toward my fellow board members with the respect due their office--demonstrating courtesy, decorum and fair play at all public meetings and in all public statements;
- E. I will refrain from inappropriate conduct in public meetings and in making public statements, refraining from any disparagement of my fellow board members or others on a personal, social, racial or religious basis;
- F. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run;
- G. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action which may compromise the board;
- H. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends;
- I. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. But in all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its schools;
- J. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the superintendent;
- K. I will support and protect school personnel in proper performance of their duties;
- L. I will refer all complaints to the superintendent and will act on such complaints at public meetings only after failure of an administrative solution.

The board shall see that all members of the board receive training in understanding and adhering to this code of ethics and shall discuss it annually at a regularly scheduled public meeting. Each member shall sign documentation that he/she has received a copy of it and has read and understood it.

CODE OF ETHICS (continued)

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Conflict of Interest, Code of Ethics, Board Member Conflict of Interest, Board Member Ethics, Ethics

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-2 Inconsistent interests or office prohibited
N.J.S.A. 18A:12-21 et seq. School Ethics Act
See particularly:
N.J.S.A. 18A:12-24, -24.1
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:4-1.1 et seq. Appeals
N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission
N.J.A.C. 6A:32-3.2 Requirements for the Code of Ethics for school board members and charter school board of trustee members

Possible

Cross References: *4112.8/4212.8 Nepotism
*9270 Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

DEVELOPMENT, DISTRIBUTION AND MAINTENANCE OF GOVERNANCE MANUAL

The Salem City Board of Education desires to make this manual of bylaws and policies a useful guide for the members of the board, and the administration of this district; therefore, copies of this manual shall be given to the following: board members, superintendent, board secretary, board attorney, building principals and recognized bargaining unit(s). The manual shall be made available to staff and to the public on the district website.

The manual of bylaws, policies and procedures shall be considered a public record and shall be open for inspection on the district website, in the board office and in the school building during regular office hours.

The board secretary/business administrator shall maintain a master policy manual that shall be the official record of the bylaws, policies and procedures adopted by the Board. This copy shall be a paper or hardcopy, and this copy shall be the official policy manual of the district. All other copies shall be used for reference only.

The copies of the manual that are distributed to board members, board secretary, board attorney, building principals and any recognized bargaining unit shall be in an electronic format. Each holder of a policy manual shall return the same manual to the board secretary upon the termination of his/her service with the district.

The superintendent shall maintain an orderly plan for the promulgation of policies to staff members who are affected by them and shall provide easy accessibility to an up-to-date collection of bylaws and policies for all employees of the school system.

In accordance with the provisions of N.J.S.A. 18A:11-1, General Mandatory Powers / Duties, and NJQSAC regulations, the board, in consultation with the superintendent, at least annually, and more frequently if required by changes in case law, regulation, statute, or the needs of the district, shall review, update and approve, by resolution, policies, procedures, and by-laws reflective of current statutory and regulatory authority.

All such reviews and approvals shall be conducted during a public meeting of the board, and a record of all such reviews and approvals shall be maintained in the meeting minutes.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Governance Manual, Distribution of Governance Manual, Maintenance of Governance Manual

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties

Cross References: 9200* Orientation and Training of Board Members
 9311* Formulation, Adoption, Amendment of Policies
 9312* Formulation, Adoption, Amendment of Bylaws
 9313* Formulation, Adoption, Amendment of Administrative Regulations
 9314* Suspension of Policies, Bylaws and Regulations

*Indicates policy is included in the Critical Policy Reference Manual.

FORMULATION, ADOPTION, AMENDMENT OF POLICIES

The governance of the district through policies directed toward providing a thorough and efficient education for its students is one of the most important functions of the board of education. Therefore, the Salem City Board of Education shall establish a careful process to ensure:

- A. Development of clear, workable, legal policies that reflect mature consideration of the will and needs of the community, and
- B. Timely, accurate evaluation of the effectiveness of the policies in the achievement of district objectives and progress toward goals.

In order to ensure that the total policy process is implemented effectively, the board appoints the superintendent as policy coordinator. In cooperation with the board, the superintendent shall establish procedures to implement this bylaw that shall include an action plan for the careful development of policies and their regular review; appropriate policy goal-setting; a process for evaluation of district and school progress toward or achievement of policy goals; and appropriate standards of measurement and criteria for judging such progress.

The procedures shall conform in all respects to the bylaws of the board concerning agenda and meetings. The procedures shall provide a means whereby all interested parties in the school community may submit proposals for additions and amendments to the school district governance manual and may contribute opinions and information for the board's consideration.

Except for policy actions to be taken on emergency measures, the adoption of board policies shall follow this sequence that will take place at two consecutive regular meetings of the board:

- A. Proposed new or revised policies shall be placed in their entirety on the agenda, and formally introduced and discussed at both meetings. It shall be noted on the agenda and in the minutes whether it is the first "reading" or second "reading" of the proposal(s). During the first and second "readings" of any new or revised policies, a copy of these new or revised policies shall be available for reference, but it shall not be necessary for the entire text of the policies to be read.
- B. Final action by the Board on a policy shall occur after the second "reading." At least two (2) weeks shall elapse between the meeting at which policy proposals are first placed on the agenda and the meeting at which the final vote to adopt or not to adopt occurs.

The policy coordinator shall ascertain any conflicts between proposed and existing policies and bring them to the attention of the board at the first reading of the draft. Policies may be adopted on second reading by a majority vote of the members of the board present and voting or may be further revised until consensus is reached.

Final Action

- A. Prior to enactment, all policy proposals shall be titled and coded as appropriate to subject and in conformance with the codification system used in the board policy manual.
- B. Insofar as possible, each policy statement shall be limited to one subject.

FORMULATION, ADOPTION, AMENDMENT OF POLICIES (continued)

- C. Policies and amendments adopted by the board shall be included in the minutes of the meeting at which they are adopted and added to the policy manual of the district as soon as possible.
- D. Policies and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adoption resolution.

Emergency Adoption

On matters of unusual urgency, the Board may waive the two (2) week limitation and take immediate action to adopt new or revised existing policies. When such immediate action is necessary, the Superintendent of Schools shall inform affected groups or individuals of the new or revised policies within three (3) working days after adoption.

In the interest of efficient administration, the superintendent shall have the power to decide all matters of detail that may arise for which no specific provision is made in the policies adopted by the board, but no emergency action shall constitute official board policy. The superintendent shall present the matter at the next board meeting, so the board can consider policy to deal with that situation in the future.

The board reserves to itself the right to final determination of what shall be the official policy of the school district.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

Policy, Board Policy

<u>Legal References:</u>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:10-6</u>	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:17-20</u>	Tenured and nontenured superintendents; general powers and duties
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 47:1A-1 et seq.</u>	Public Records; Examination and Copies (<u>Open Public Records Act</u>)
	<u>N.J.S.A. 15:3-2.1</u>	Records retention

New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS), School District Records Retention and Disposition Schedule

Matawan Teachers Assn. v. Board of Education, 223 N.J. Super. 504 (App. Div.1988)

Possible

<u>Cross References:</u>	*2210	Administrative leeway in absence of board policy
	*9000	Role of the board
	*9314	Suspension of policies, bylaws and regulations

FORMULATION, ADOPTION, AMENDMENT OF POLICIES (continued)

- *9322 Public and executive sessions
- *9323/9324 Agenda preparation/advance delivery of meeting material

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9312
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Bylaw

FORMULATION, ADOPTION, AMENDMENT OF BYLAWS

The Salem City Board of Education's bylaws are rules designed to organize and control its internal operations. Some bylaws are set by statute. Others may be formulated and adopted at its option by the board of education itself as long as they are in harmony with the intent and specifics of the statutes.

In its deliberations leading to the establishment or amendment of its bylaws, the board's central concern will be for increased efficiency and effectiveness in carrying out its legally mandated tasks.

Proposed new bylaws and suggested amendments to or revisions of existing bylaws shall be adopted by a majority vote of the members of the board present and voting during the second of two regularly or specially scheduled meetings of the board. The proposed additions, amendments or revisions shall have been described in writing in the calls for these meetings.

Adopted: June 12, 2002, December 12, 2012, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Bylaws, Board Bylaws

<u>Legal References:</u>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:10-6</u>	Board meetings public; frequency; hours commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)

Possible

<u>Cross References:</u>	*9311	Formulation, adoption, amendment of policies
	*9314	Suspension of policies, bylaws and regulations
	*9323/9324	Agenda preparation/advance delivery of meeting material

*Indicates policy is included in the Critical Policy Reference Manual.

FORMULATION, ADOPTION, AMENDMENT OF ADMINISTRATIVE REGULATIONS

The Salem City Board of Education delegates to the superintendent the function of specifying required actions and designing the detailed procedures under which the school will be operated. Such rules and detailed procedures shall constitute the administrative regulations governing the schools.

These administrative rules and regulations must be consistent with board contracts and policies, the law, rulings of the Commissioner, and rules of the State Board of Education. The board itself will formulate and adopt administrative regulations only when specific state laws require board adoption, and may do so when the board so desires or when the superintendent recommends board adoption.

In the development of rules, regulations, and procedures for the operation of the school system, the superintendent shall include at the planning stage, whenever appropriate, those employees who will be affected by such provisions.

Such rules and regulations shall be binding on all employees unless or until the board should vote to change or rescind any such rule or regulation following its presentation at a public meeting of the board. The board reserves the right to review and cause revisions of administrative regulations should they, in the board's judgment, be inconsistent with the policies adopted by the board.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018

NJSBA Review/Update: May 2022

Readopted: March 8, 2023

Key Words

Administrative Regulations, Procedures

Legal References: N.J.S.A. 18A: 11-1 General mandatory powers and duties
 N.J.S.A. 18A:17-20 Superintendent; general powers and duties
 N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
 N.J.A.C. 6A:10-1.2 Definitions (superintendent and administrative principal)
 N.J.A.C. 6A:10-8.1 et seq. Evaluation of the superintendent

Possible

Cross References: *2131 Superintendent
 *2210 Administrative leeway in absence of board policy
 *9130 Committees
 *9311 Formulation, adoption, amendment of policies
 *9312 Formulation, adoption, amendment of bylaws
 *9314 Suspension of policies, bylaws and regulations
 *9323/9324 Agenda preparation/advance delivery of meeting material

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9314
☐ **Monitored**
☐ **Mandated**
☒ **Other Reasons**

Bylaw

SUSPENSION OF POLICIES, BYLAWS AND REGULATIONS

The board of education has developed a careful and deliberate process of formulating and adopting its policies and bylaws. Requests for suspension of any existing policy or bylaw should receive the same careful consideration.

Therefore:

- A. Any request for a waiver of policy or bylaw shall be considered in light of the policy or bylaw itself, rather than any particular circumstances of the moment;
- B. The board shall decide whether the policy or bylaw still reflects the considered intent of the board. If it does, the suspension will be denied and the policy or bylaw reaffirmed in the minutes;
- C. If the policy or bylaw does not reflect the intent of the board, then the policy shall be waived by a majority vote of the members of the board present and voting and development of a revised policy or bylaw shall become the board's prime policy priority;
- D. The board shall determine whether rights of the public would be adversely affected by the proposed suspension or waiver of policy. If the public's rights would be adversely affected, the suspension or waiver will be denied.

In the event of an emergency requiring immediate action, the superintendent shall have the power to waive policy or regulation in the single instance. In such cases, the superintendent shall report the instance to the board president immediately, and request reconsideration of the policy at the next regular meeting.

Adopted: June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update: May 2022
Readopted: March 8, 2023

Key Words

Policy; Board Policy; Bylaws; Board Bylaws; Regulations; Administrative Regulations; Suspension of Policies; Bylaws and Regulations

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:17-20 Tenured and non-tenured superintendents; general powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:10-8.1 et seq. Evaluation of the superintendent
N.J.A.C. 6A:32-2.1 Definitions (superintendent and administrative principal)

Matawan Teachers' Assn. v. Board of Education 223 N.J. Super 504 (App. Div. 1988)

Possible

SUSPENSION OF POLICIES, BYLAWS AND REGULATIONS (continued)

Cross References: *2210 Administrative leeway in absence of board policy
*9311 Formulation, adoption, amendment of policies
*9312 Formulation, adoption, amendment of bylaws
*9313 Formulation, adoption, amendment of administrative regulations

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9321

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Bylaw

TIME, PLACE, NOTIFICATION OF MEETINGS

Regular meetings of the Salem City Board of Education shall be held on dates and at times and places determined by the board at its annual organization meeting. Special meetings shall be called by the board secretary at the request of the president or upon a petition signed by a majority of the board members, and shall commence no later than 8 p.m.

Adequate Notice

Adequate notice shall be given for all regular and special meetings. Adequate notice for regular meetings shall be in accordance with the annual notice provisions set forth below. Adequate notice for special meetings generally means written advance notice of at least 48 hours, giving the time, date and location, and, to the extent known, the agenda of the meeting. The notice must state whether formal action may or may not be taken at the meeting. The notice must be:

- A. Prominently posted in at least one public place reserved for such announcements;
- B. Communicated to at least two newspapers designated by the board because they have the greatest likelihood of informing the board's public; and
- C. Filed with the clerk of the municipality.

The board of education may hold an emergency meeting without providing adequate public notice if:

- A. Three-quarters of the members present vote to do so; and
- B. The meeting is required to deal with matters of such urgency and importance that delay would be likely to result in substantial harm to the public interest; and
- C. The meeting will be limited to discussion of and action on these matters; and
- D. Adequate notice of such meeting is provided as soon as possible following the calling of such meeting; and
- E. One of the following:
 - 1. Either the board could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or
 - 2. The need could have been foreseen in time but the board failed to give adequate notice.

Announcement of Adequate Notice/Statement of Compliance

At the beginning of every meeting, the presiding officer must announce that adequate notice of the meeting was provided and must specify the time, place and manner in which the notice was provided.

However, if adequate notice was not provided, the presiding officer must say so, and in addition, must state:

- A. The nature of the matter of urgency or importance for which the meeting without adequate notice was called; and

TIME, PLACE, NOTIFICATION OF MEETINGS (continued)

- B. The nature of the substantial harm to the public interest likely to result from a delay in holding the meeting; and
- C. That the meeting will be limited to discussion of and action on such matters of urgency and importance;
- D. The time, place, and manner in which some notice of the meeting was provided; and
- E. Either of the following:
 - 1. That the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided, and why this was so; or
 - 2. That such need could reasonably have been foreseen in time for adequate notice, but nevertheless such notice was not provided, and the reasons why.

Annual Notice

Annual notice of the year's regular meeting schedule must be posted publicly and sent to at least two newspapers and the municipal clerk within seven days following the annual organization meeting. This notice should contain the location of each meeting to the extent it is known as well as the time and date. If the schedule is revised at all, notice must be given within seven days of the revision.

The annual schedule serves as sufficient notice of any regularly scheduled meeting as long as it contains the proper date and location. If most meetings are on a regularly scheduled basis, whether they are formal sessions or study sessions, the notice requirement can be largely met through the once-a-year schedule.

Both the annual schedule of meetings, any revisions to that schedule, and notices of any additional meetings must be sent to any person upon request and upon prepayment of a sum set by the board. Requests to be on the mailing list for notices can be made on an annual basis and are renewable each reorganization meeting.

Adjournment

The board may at any time recess or adjourn to an adjourned meeting at a specified date and place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

Adopted:	December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022
Readopted:	March 8, 2023

Key Words

Meetings; Board of Education Meetings; Time, Place, Notification of Meetings

<u>Legal References:</u>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 10:4-9.1</u>	Electronic notice of meeting of public body; terms defined
	<u>N.J.S.A. 18A:10-3</u>	First regular meeting of board
	<u>N.J.S.A. 18A:10-4</u>	Secretary to give notice of meeting
	<u>N.J.S.A. 18A:10-5</u>	Organization meeting as business meeting
	<u>N.J.S.A. 18A:10-6</u>	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.A.C. 6A:32-3.1</u>	Special meetings of district boards of education

TIME, PLACE, NOTIFICATION OF MEETINGS (continued)

Possible

Cross References: *1120 Board of education meetings
*2240 Research, evaluation and planning

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9322

 X **Monitored**

 Mandated

 X **Other Reasons**

Bylaw

PUBLIC AND EXECUTIVE SESSIONS

The Salem City Board of Education shall officially transact all business at a legal meeting of the board in accordance with New Jersey law.

The annual organizational meeting shall be held at a date and time specified by law.

The suggested Order of Business shall be as follows, unless altered by the chairperson or a majority of those present and voting:

1. Call to Order
2. Flag Salute
3. Reading of Open Public Meetings Act
4. Report of Election Results
5. Installation of New Members
6. Nominations and Election of President
7. Nominations and Election of Vice-President
8. Correspondence
9. Public Comments
10. Designation of Official Newspaper(s)
11. Establishment of Monthly Meeting Dates, Time and Place
12. Establishment of Official Bank(s)
13. Appointment of Treasurer of School Monies
14. Appointment of Business Administrator / Board Secretary
15. Appointment of Affirmative Action Officer / Committee – Personnel
16. Appointment of Affirmative Action Officer – Business
17. Appointment of Custodian of Records
18. Appointment of Attendance Officer
19. Appointment of School Auditor
20. Appointment of School Solicitor
21. Appointment of School Medical Inspector
22. Designation of Insurance Brokers of Record
23. Appointment of Purchasing Agent
24. Appointment of District Public Agency Compliance Official
25. Appointment of District 504 Plan Official
26. Appointment of Delegates to County School Board Association
27. Appointment of Delegates to New Jersey School Board Association
28. Discussion of Ethics Requirements for Board Members
29. Approval of Petty Cash Funds
30. Adoption of Rules, Regulations, and Policies
31. Adoption of Curricula and Textbooks
32. Approval of Tax Levy
33. Transfer Bank Accounts
34. Appointment of Board Committees
35. Adjournment

All meetings of the board of education shall be open to the public with the exception of meetings to discuss:

- A. Any matter which by express provision of state or federal law or rule of court shall be rendered

PUBLIC AND EXECUTIVE SESSIONS (continued)

confidential;

- B. Any matter in which the release of information would impair a right to receive federal funds;
- C. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy, unless the individual (or all the individuals) concerned shall request in writing that the same be disclosed publicly. This includes information contained in student records, and any reports or recommendations concerning a specific individual (see policy 1120 Board of Education Meeting);
- D. Any collective bargaining agreement or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the actual negotiating sessions with representatives of employee groups;
- E. Any matter involving the purchase, lease or acquisition of real property (land or buildings) with public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
- F. The tactics and techniques used in protecting the safety and property of the public, provided that their disclosure could impair such protection;
- G. Any investigations of violations or possible violations of law;
- H. Any pending or anticipated litigation or contract negotiations other than collective bargaining, and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer;
- I. Any matter involving employment, appointment, termination, terms and conditions of employment, evaluation, promotion or disciplining of any prospective or current public employee or officer unless all the individual employees whose rights could be adversely affected request in writing that the matter be discussed at a public meeting; and
- J. Any deliberations occurring after a public hearing that may result in the imposition of a specified civil penalty or loss of license to an individual.

Such sessions shall be closed to the public and press, and shall be declared so by a formal motion at a public meeting. Minutes taken at such meetings shall remain confidential only so long as their publication would defeat the purpose of the executive session. That such a meeting will be or was held shall be recorded in the minutes of the preceding or subsequent regular meeting. Board members and other persons attending the session shall not disclose the topic or details of discussion at executive session.

The board may invite staff members or others to attend executive sessions at its discretion.

When public employees make statements pursuant to their official duties: in the classroom, at board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (Garcetti v. Ceballos).

No official action shall be taken at executive sessions, except such as may be sanctioned by law. To take final action on any other matter discussed, the board shall convene or reconvene in open session.

Public Participation

Meetings of the board are open to the public and all members of the community should feel free to attend. A time for public discussion of agenda items shall be included in the order of business at an appropriate time.

PUBLIC AND EXECUTIVE SESSIONS (continued)

Brief comments on any matter of interest to the district should be reserved for the time provided in the order of business.

Provision may be made for the introduction by a member of the public of business not on the agenda when the matter is of such urgency or wide interest that delaying consideration of it to the next meeting would not be in the public interest.

Grievances or complaints that have not previously been considered through administrative channels shall not be acted upon by the board.

Electronic Communication among Board Members

The board of education believes that electronic communication among its members and the administration is an efficient and convenient way to exchange information but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to email, internet web forums and internet chat rooms. They should understand at all times that these communications represent permanent school district records that can be subject to public disclosure. Electronic messaging communication shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communication (committee meetings, telephone calls, etc.). Board members shall adhere to the following guidelines when communicating electronically:

- A. Board members shall not use email or any other electronic messaging service as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a “meeting” as any gathering attended by, or open to, all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body;
- B. Board members shall be aware that email and email attachments received or prepared for use in board business are likely to be regarded as public records that may be inspected by any person upon request, unless otherwise made confidential by law;
- C. Board members shall avoid reference to confidential information about employees, students or others in email communications because of the risk of improper disclosure;
- D. Board members shall adhere to the district “acceptable use” policy in all email communications and shall refrain from sending inappropriate, profane, harassing or abusive emails. (See file code 6142.10 Technology);
- E. Board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If any board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the superintendent immediately.

Electronic “Surveying” Communications

The board of education believes that “paperless board meetings” are a type of electronic communication among its members and the administration that is an efficient and convenient way to exchange information but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to surveying, email, internet web forums and internet chat rooms.

PUBLIC AND EXECUTIVE SESSIONS (continued)

The surveying features of paperless board meetings shall be used consistent with the New Jersey Open Public Meetings Act by restricting its use in the following ways:

- A. The board shall maintain and provide access to all electronic communications pursuant to the New Jersey Open Public Records Act;
- B. Surveying is a type of electronic messaging communication, and shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communications (committee meetings, telephone calls, etc.);
- C. Board members shall not use surveys, email or any other electronic messaging service as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a “meeting” as any gathering, whether corporeal or by means of communication equipment, attended by or open to all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body;
- D. Surveying will not be used for topics referring to confidential information about employees, students or others in email communications because of the risk or improper disclosure; and
- E. The district will avoid the appearance of conducting board discussion or actions, in which opinions are exchanged among a quorum of board members through repeated survey questions and answers, outside an open public meeting.

Meetings Conducted by Teleconference or Other Electronic Means

In order to adequately conduct the business of the district and to ensure that a quorum is present at all publicly held meetings, the board shall permit meetings to be held and business to be conducted by teleconference or other electronic means when the attendance of a quorum of its members cannot be physically present at the meeting location. All requirements of the Open Public Meetings Law (N.J.S.A. 10:4-6 et seq. P.L.1975, c. 231) shall be adhered to.

For purposes of this policy, “teleconference or other electronic means” shall be defined as telephones (whether cellular or wired), videoconference equipment, computer link (provided that the Board Member’s voice and/or live image can be provided to those in attendance) or other similar equipment or computer application. In no case, shall a Board Member be permitted to participate if his/her voice or live image cannot be heard or seen by those in attendance at the meeting.

Board Members who are not able to physically attend a particular meeting, shall be entitled to request that they be permitted to participate by teleconference or other approved electronic means. Such requests shall be made to the superintendent, board secretary/business administrator or board president in advance of the scheduled meeting time.

In all cases, the meeting shall open to the public as prescribed by law and at a minimum, the board secretary/business administrator and the superintendent shall be present at the meeting location when one or more members participates in this manner.

The minutes taken shall reflect the names of members who participate using teleconference or other electronic means.

Members who participate in this manner shall be afforded the opportunity to discuss, challenge, debate and vote on matters before the board without restriction.

Executive or Closed Session Meetings

PUBLIC AND EXECUTIVE SESSIONS (continued)

Since executive or closed session meetings are not open to the public, board members are not permitted to participate in executive or closed session meetings conducted by teleconference or other electronic means.

Board of Education Website

For the purposes of keeping all board members fully informed and provided with adequate information to make intelligent and prudent decisions, the board directs the superintendent/designee to coordinate and oversee a website to be maintained on the Internet. All items to be posted on the website shall be approved by the superintendent/designee prior to posting.

The types of information that may be posted on the website include but are not limited to:

- A. Board public agendas;
- B. Board approved minutes;
- C. Policies and regulations;
- D. District Quarterly Newsletter;
- E. Information school times, closings, procedures, schedules;
- F. Frequently asked questions as they relate to Board functions § School Administration Information;
- G. Job Descriptions;
- H. Curriculum updates;
- I. Job Postings;
- J. Test score analysis;
- K. School Email information;
- L. Other items approved by the administration.

Materials containing political or editorial points of view shall be prohibited from the website.

The Board shall evaluate the effectiveness of the website from time to time and recommend appropriate changes for its administration to the Superintendent of Schools who shall effectuate appropriate changes in the operation of the website.

The board shall annually review its electronic communication policy and practices with the board attorney.

Adopted:	June 12, 2002, December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022
Readopted:	March 8, 2023

Key Words

Board of Education Meetings, Public and Executive Sessions, Executive Sessions

PUBLIC AND EXECUTIVE SESSIONS (continued)

Legal References: N.J.S.A. 2C:33-8 Disrupting meetings and processions
N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
N.J.S.A. 18A:10-6 Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-21 et seq. School Ethics Act
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 47:1A-1 et seq. Public Records; Examination and Copies (Open Public Records Act)
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the performance of school districts

Rice v. Union City Board of Education, 143 N.J. Super 64 (1978)

5 U.S.C. Section 552as amended by Public Law No. 104-231,110 Stat. 3048 Freedom of Information Act

Garcetti v. Ceballos 2006 U.S. LEXIS 4341(May 2006)

Possible

Cross References: *1120 Board of education meetings
 *3570 District records and reports
 *6142.10 Technology
 *9121 Election and duties of president
 *9271 Code of ethics
 *9323/9324 Agenda preparation/advance delivery of meeting material
 *9326 Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

PUBLIC AND EXECUTIVE SESSIONS

In order to provide for an efficient and orderly method of communication between individuals and/or organizations and the administrators of the schools and of the district and the Salem City Board of Education, the following procedures shall be used in connection with the addressing meetings of the Board:

Parents and/or Community Members

Parents and/or community members who have a concern about implementation of policies, procedures, practices or about any issue arising in the school are directed to refer them first to the employee or group of employees directly responsible for resolving the matter. For example, as a rule, a concern involving a teacher should first be brought to the attention of the teacher, then to the principal, followed by the superintendent.

Parents or community members should take these steps before bringing the matter directly to the Salem City Board of Education. In the event that the resolution offered by the Superintendent does not satisfy the parent(s) or community members, the parent(s) or community members may then present the matter directly to the Salem City Board of Education. The Board suggests that the issue be presented in writing and in a timeframe that will allow the Board to review the matter before any scheduled meeting.

Employees

Employees who have a concern about policies, procedures, practices or any issue arising in the school are directed to refer them to their immediate supervisor first for discussion and resolution. The employee is expected to take this step before bringing the matter directly to the next higher line of authority. If the resolution offered by the immediate supervisor does not satisfy the employee, the employee may then present his/her case to the next higher line of authority. It is suggested that employee review and follow the Salem City Board of Education's District Organization Chart (Policy 2120) to ensure that the chain of command is followed. Employees who have followed the chain of command are invited to petition the Salem City Board of Education in writing. Included in this written petition shall be a brief description of the issue of concern, dates, times (when appropriate), steps that have been followed in the chain of command and any resolution previously sought and/or offered.

Nothing in this policy shall be construed to violate or contradict formal negotiated grievance procedures in place with any bargaining unit employee.

The Board may elect to invite the employee to an executive meeting with the Board to discuss the matter.

Should the employee circumvent the "chain of command" by bringing his/her complaint directly to the board or an individual board member, the board or board member will refer the employee to the superintendent to resolve the issue. In such cases, the board will not act on the employee's complaint until after resolution has been attempted between the employee and the Superintendent of Schools.

Failure on the part of the employee to follow this procedure may result in a letter of reprimand being placed in the employee's personnel file. Employees represented by a bargaining unit who fail to follow the chain of command may be in violation of the grievance procedures contained in the contract between the district and the bargaining unit.

Bargaining Unit(s)

Employees are expected to attempt to resolve any complaints or concerns with the administration before presenting them at a Salem City Board of Education meeting.

The established grievance procedure of the district shall be followed prior to being made public at Salem City Board of Education meetings. Areas of concerns to any individual employee or the bargaining unit should be discussed informally with the administration in an attempt to resolve matters to the mutual satisfaction of all involved.

When an individual or the bargaining unit is dissatisfied with the outcome of the procedure above and wishes to present the concern to the Board, that individual or the bargaining unit shall submit the concern or question to the Superintendent of Schools. This submission shall be in writing and be accompanied by any documentation necessary. An indication that it is desired for this submission to be placed on the agenda of an upcoming Board meeting shall be made as a part of the submission.

The submission shall be made no later than the close of school on the Monday preceding the next upcoming Board meeting in order that it be available for distribution to the appropriate individuals.

The individual or a representative of the bargaining unit shall be present at the Board meeting to present the area of concern to the Board if requested.

In the event of an extremely lengthy agenda, the Superintendent may, after consultation with the President of the Board, defer placing the item on the agenda. The individual and the President of the bargaining unit will be so notified in writing by the Superintendent of Schools if time permits. In any case the individual and the President of the bargaining unit shall be notified by the bargaining unit verbally of this situation and the concern will be addressed at the next Board meeting.

Board Members

Board Members who have a concern or complaint, about policies, procedures, practices or any issue arising in the school are directed to refer them to the superintendent for discussion and resolution. In the event that the resolution offered by the superintendent of Schools does not satisfy the board member, the board member may then present the matter directly at a regularly scheduled board meeting. As a professional courtesy, it is suggested that the matter be discussed with the board president prior to the board meeting.

Bylaw

AGENDA PREPARATION/ADVANCE DELIVERY OF MEETING MATERIAL

The superintendent and the board president shall prepare the agenda for all meetings of the board. In doing so, they shall consult the board secretary.

Items of business suggested by any board member, staff member, or citizen of the district may be included at the discretion of the superintendent and board president. When appropriate, the agenda shall allow time for the remarks of citizens, staff members, or students who wish to speak briefly before the board.

The agenda shall be published pursuant to provisions of the Open Public Meetings Act. The board shall follow the order of business set up by the agenda unless the order is altered by a majority vote of the members present and voting. At a regularly scheduled meeting for which an advance agenda has been provided to the public, items of business not anticipated at the time the agenda was prepared may be discussed and acted upon if a majority of the board present and voting agrees to consider them. However, existing board policies and bylaws may not be revised or new ones adopted unless the proposals are on the written agenda.

The agenda, together with supporting materials, shall be distributed to board members sufficiently prior to the board meeting to permit them to give items of business careful consideration. The agenda shall also be made available to the press, representatives of community and staff groups, and others, upon request.

Adopted:	December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022
Readopted:	March 8, 2023

Key Words

Board Meeting Agenda, Delivery of Meeting Materials, Board Meeting Materials, Agenda

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Crifasi v. Governing Body of the Borough of Oakland, 156 N.J. Super. 182 (App. Div. 1978)

Possible

Cross References: *1120 Board of education meetings
*9311 Formulation, adoption, amendment of policies
*9312 Formulation, adoption, amendment of bylaws

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9325

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Bylaw

CONDUCT OF MEETINGS

All actions of the Salem City Board of Education shall be taken only in official board meetings called, scheduled, and conducted according to these bylaws and the New Jersey State statutes.

In the conduct of its business, the procedure of the board will be governed by the educational laws of the State, by principles and rules set forth in the board bylaws, or otherwise by *Robert's Rules of Order*.

Orderly Procedure

In the conduct of its business, the procedure of the board will be governed by the educational laws of the State of New Jersey, by principles and rules set forth in the Salem City Board of Education Bylaws, or otherwise by *Robert's Rules of Order*.

In order to provide for orderly discussion and careful consideration of questions and to expedite business, it is understood that the following procedures will be followed in meetings of the board:

- A. Members wishing to speak will address the president and be recognized;
- B. Any board member wishing to address the board shall be given the opportunity to address the board. The member's remarks should be relevant to the subject being considered and the member's behavior civil and courteous (not personal or abusive). It shall be the responsibility of the president to place any restriction on the time that may be allotted to a speaker;
- C. Members of the board and the superintendent shall address the president and be recognized in their participation in questions being discussed by the board. The board, through the president, may call upon other officers of the board or consultants to participate in the discussion of questions at any time.

Board Actions

All actions of the board of education shall be taken only in official board meetings called, scheduled and conducted according to these bylaws and New Jersey statutes.

When a question is submitted to vote, every member present shall vote upon it, unless excused by the board.

Public Participation

In order to ensure full dissemination of its official actions, to apprise the school community of the educational program, and to hear the views of the public, the Salem City Board of Education shall provide a period of public participation in each of its regular and special meetings. The board reserves the right to establish rules for the conduct of such public participation.

Presiding Officer

The president shall preside at all meetings of the board. In the absence, disability, or disqualification of the president, the vice president shall act in his or her place; if neither person is present, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

Announcement of Adequate Notice

The person presiding shall commence each meeting with an announcement of the notice given for the meeting or a statement regarding the lack of adequate notice, in accordance with law.

CONDUCT OF MEETINGS (continued)Quorum

Depending on the number of sending districts officially seated on the Salem City Board of Education, as many as seven (7) members present shall constitute a quorum of the board and no business shall be conducted in the absence of a quorum, except when the Doctrine of Necessity is invoked. In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9:00 p.m. of the same day. If a quorum is not then present the members may adjourn the meeting to commence on a later day within seven days. In the event that any meeting of the Board is rescheduled due to lack of a quorum of the Board or for any other reason, the public will be given appropriate notice of the date, time and location of the rescheduled meeting.

The board recognizes that there may be matters that come before it or acts required of members in their official capacity where the member may have a conflict of interest or the act would be in violation of NJSA 18A:12-24. In these matters, the board member(s) will remove himself/herself from any discussions, meetings (informal or formal), committee meetings and/or a vote regarding the matter. The board will consider this matter without the member(s) who has/have the conflict.

In the event that a matter comes before the board or an act is required of a board member in his/her official capacity that is a conflict or would be in violation of law, the board would still be required to have a quorum to consider the matter. When more than a quorum of the Board Members must abstain from voting on a matter, the Board will invoke the Doctrine of Necessity.

1. Board Members who have a conflict in the matter, may only participate to the extent they may vote after the motion to approve and/or ratify the matter has been made and seconded and the Doctrine of Necessity has been thoroughly explained to the public.
2. Board Members in conflict may only ask questions regarding the matter to be voted on in public and after the Board has invoked the Doctrine of Necessity.
3. Board Members in conflict may explain their reasons for not voting just before the vote.

Order of Business

The order of business shall be as follows, unless altered by the chairperson or a majority of those present and voting:

1. Call to Order
2. Reading of Open Public Meetings Act
3. Pledge to the Flag
4. Roll Call of Members
5. Presentation(s)
6. Audience Participation
7. Superintendent of Schools' Report
8. Principals'/Administrators' Reports and Commentary
9. Approval of Minutes of Previous Meeting(s)
10. Board Committee Reports
11. Correspondence
12. Executive Session (if required)
13. Return to Regular Session (if Executive Session was required)
14. Board Review of Action Memos and Discussions
15. Approve Regular and Executive Minutes of Prior Meetings
16. Board Secretary/Business Administrator's Report
17. Student Matters – High School
18. Student Matters – Non-High School
19. Personnel – High School
20. Personnel – Non-High School
21. Curriculum/Special Projects – High School
22. Curriculum/Special Projects – Non-High School
23. Monthly Reports

CONDUCT OF MEETINGS (continued)

- 24. Policy
- 25. Executive Session (if required)
- 26. Return to Regular Session (if Executive Session was required)
- 27. New Business
- 28. Adjournment

Adjournment

The board may at any time recess or adjourn to an adjourned meeting at a specified date and place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

Adopted:	December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022
Readopted:	March 8, 2023

Key Words

Parliamentary Authority, Presiding Officer, Agenda, Quorum

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:10-6	Board Meetings
	<u>N.J.S.A.</u> 18A:11-1	General Mandatory Powers / Duties

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees,
	*9121	Election and duties of president
	9325.4	Voting Method
	9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9325.4

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Bylaw

VOTING METHOD

Official actions may be taken only at a regular monthly or specially called meeting at which a quorum is present. All motions shall require for adoption a majority vote of those present and voting (minimally, a majority of the quorum), except as provided by code or statute.

A vote can be conducted by voice, show of hands or roll call, provided that the vote of each member is recorded, except where a recorded roll call majority is required by code or statute. Proxy voting is prohibited. Any member may request that the board be polled.

The board secretary will record, by name, the individual votes of Board Members anytime a roll call vote is taken. This record will be made a part of the minutes of the meeting.

Abstentions

A member may abstain from voting. An abstention shall be so recorded and shall not be counted as either an affirmative or a negative vote. Abstentions are to be so recorded, regardless of whether a person speaks for or against a motion prior to stating his/her wish to abstain. The silence of a member on any vote shall be recorded as an abstention.

Actions requiring a two-thirds vote of the full membership of the Salem City Board of Education:

- A. Placement of a contract following failure to receive responsible bids on two occasions. (NJSA 18A:18A-5(c) ;
- B. Adopting a refunding bond ordinance. (NJSA 18A:24-61.4) ;
- C. Selling or exchanging refunding bonds. (NJSA:18A24-61.9);
- D. Authorizing to negotiate, award or enter into a contract or agreement after the Board has solicited and received at least three quotations on materials, supplies or equipment for which a state contract has been issued, and the lowest responsible quotation is at least 10% less than the cost charged under the state contract. (NJSA 18A:18A-5(e) ;
- E. Determining the necessity to raise funds for capital project(s) in Type II districts having a Board of School Estimate. (NJSA 18A:22-27) ;
- F. Permitting the private sale of certain bonds if no legally acceptable bid is received by a Type II district. (NJSA 18A:24-45(c) ;
- G. Adopting a resolution endorsing approval of the lease purchase concept of acquiring property for building construction/renovation and authorizing the Superintendent of Schools and/or Board Secretary to advertise and solicit proposals for the selection of a lessor and underwriter and to request the approval of the Commissioner and Local Finance Board in the Department of Community Affairs of a lease purchase agreement in excess of five years. (NJAC 6A:26-7.1, 6A:26-10.1 et seq) .

Actions requiring a recorded roll-call majority vote of the full membership of the Salem City Board of Education:

- A. Adopting or altering a course of study. (NJSA 18A:33-1);

- B. Appointment and fixing of the term of Superintendent of Schools. (NJSA 18A:17-15);
- C. Board Secretary (NJSA 18A:17-5), Assistant or Acting Board Secretary. (NJSA 18A:17-13);
- D. Appointing or removing an Assistant Superintendent of Schools. (NJSA 18A:17-16);
- E. Appointment or transfer of a teaching staff member. (NJSA 18A:25-1; 18A:27-1);
- F. Approval of employee salary deductions for governmental bonds. (NJSA 18A:16-8);
- G. Disposition or exchange of lands owned by the Salem City Board of Education. (NJSA 18A:20-5, 18A:20-8);
- H. Selection of textbooks. (NJSA 18A:34-1);
- I. Restoration or removal following suspension by the Superintendent of Schools, Assistant Principal, Teacher or Instructional Aid. (NJSA 18A:25-6);
- J. Withholding, for inefficiency or other good cause, a prescribed employment or adjustment salary increment. (NJSA 18A:29-14);
- K. Admission after October 1st of a pupil who has never attended public or private school. (NJSA 18A:38-6);
- L. Appointing a School Business Administrator. (NJSA 18A:17-14.1); appointing or removing and fixing the salary of a Business Manager in a Type I District (NJSA 18A:17-25);
- M. Decision to establish with other school district(s) a county audiovisual educational aids center (NJSA 18A:51-1); application for membership in an already established county audiovisual educational aids center. (NJSA 18A:51-11);
- N. Determining sufficiency of charges warranting dismissal or reduction in salary of a tenured employee. (NJSA 18A:6-11);
- O. Removal of the President or Vice President of the Board. (NJSA 18A:15-2);
- P. Purchase of bonds or other obligations as securities. (NJSA 18A:20-37);
- Q. Sale of bonds or other obligations purchased as securities. (NJSA 18A:20-39);
- R. Adoption of school budget to be submitted to voters. (NJSA 18A:22-32);
- S. Adoption of school budget in Type II districts with a Board of School Estimate. (NJSA 18A:22-26);
- T. Approval of capital construction projects. (NJSA 18A:7G-1 et seq, NJAC 6A:26-1 et seq);
- U. Authorization of school bonds. (NJSA 18A:24-10).

Actions involving holding a meeting, notwithstanding the failure to provide adequate notice shall require an affirmative vote of three-quarters of the members present (NJSA 10:4-9(b))

Adopted:	June 12, 2002, December 12, 2007, September 12, 2017
NJSBA Review/Update:	May 2022
Readopted:	March 8, 2023

Key Words

Voting Method, Abstentions

Legal References: N.J.S.A. 18A:38-8.1 Additional member on board of education to represent board of education in each sending district

Aurentz v. Little Egg Harbor Township Planning Board, 171 N.J. Super. (Law Div.1979)

King v. Asbury Park Board of Education, 1939-49 S.L.D. 20

Matawan Teachers' Assn. v. Board of Education, 223 N.J. Super. 504 (App. Div. 1988)

Lincoln Park Bd. of Ed. v. Boonton Bd. of Ed., 97 N.J.A.R. 2d (EDU) _ (May 30)

Little Ferry Bd. of Ed. v. Ridgfield Park Bd. of Ed., 97 N.J.A.R. 2d (EDU) _ (July 24)

Green Twp. Bd. of Ed. v. Newton Bd. of Ed., 97 N.J.A.R. 2d (EDU) __ (August 5)

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*3570	District records and reports
	*9121	Election and duties of president
	*9271	Code of ethics
	*9322	Public and executive sessions
	*9323/9324	Agenda preparation/advance delivery of meeting material
	*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

VOTING METHOD

Board Voting Requirements

The following actions require a recorded roll call vote and must pass by an affirmative vote of a majority of the full membership of the board. "Full membership" means the number of board members when all the members' seats are filled. A "majority of the full membership" means a majority of that number. N.J.S.A. 18A:1-1.

- A. Directing the board secretary to make deductions for United States government bonds from salaries of participating employees (N.J.S.A. 18A:16-8);
- B. Appointing and fixing the salary and term of a board secretary (N.J.S.A. 18A:17-5);
- C. Appointing and fixing the salary and term of an assistant or acting board secretary (N.J.S.A. 18A:17-13);
- D. Appointing and fixing the term of a superintendent (N.J.S.A. 18A:17-15);
- E. Appointing or removing an assistant superintendent (N.J.S.A. 18A:17-16);
- F. Appointing and fixing the term of an administrative principal (N.J.S.A. 18A:17-20.5);
- G. Appointing and fixing the term of a shared superintendent or a shared school business administrator (N.J.S.A. 18A:17-24.3). (Please note that this particular statute only requires a "majority of the membership.");
- H. Appointing or removing and fixing the salary of a business manager in a type I school district (N.J.S.A. 18A:17-25);
- I. Appointing an executive superintendent in districts in cities of the first class with a population over 325,000 (N.J.S.A. 18A:17A-1);
- J. Disposing of lands owned by the board, or rights or interests therein (N.J.S.A. 18A:20-5);
- K. Exchanging lands owned by the board (N.J.S.A. 18A:20-8);
- L. Adopting a budget in type II districts having a board of school estimate (N.J.S.A. 18A:22-26);
- M. Fixing and determining the amount of money to be voted upon by the voters of the district at or after the public hearing on the school budget for type II districts without a board of school estimate (N.J.S.A. 18A:22-32);
- N. Adopting the question(s) to be submitted to the voters concerning any capital project(s) to be paid for from the proceeds of an issue of bonds in type II districts without a board of school estimate (N.J.S.A. 18A:22-39);
- O. Adopting a proposal for the issuance of school bonds by type II districts having a board of school estimate (N.J.S.A. 18A:24-10b);
- P. Transferring a teaching staff member (N.J.S.A. 18A:25-1);
- Q. Restoring or removing an assistant superintendent, principal or teacher, following suspension by the

VOTING METHOD (continued)

superintendent (N.J.S.A. 18A:25-6). (Please note that this particular statute only requires a “majority of the membership.”;

- R. Appointing a teaching staff member (N.J.S.A. 18A:27-1);
- S. Appointing, transferring, removing or renewing the employment contract of a certificated or non-certificated officer or employee (N.J.S.A. 18A:27-4.1);
- T. Withholding, for inefficiency or other good cause, a prescribed employment or adjustment increment (N.J.S.A. 18A:29-14);
- U. Adopting or altering a course of study (N.J.S.A. 18A:33-1);
- V. Selecting textbooks (N.J.S.A. 18A:34-1);
- W. Applying for membership in an already established county educational audiovisual aids center (N.J.S.A. 18A:51-11);
- X. Applying to the executive county superintendent to investigate the advisability of withdrawing from a regional district (N.J.A.C. 6A:32-11.1). (Note that in this case, the roll call majority vote is required by administrative code provision. This is not a statutory requirement.);
- Y. Submitting, for executive county superintendent review, the content of separate questions to be submitted to the voters that propose programs as described in N.J.A.C. 6A:23A-12.1 that may be in excess of its adjusted spending growth limitation (N.J.A.C. 6A:23A-8.3(e)). (Note that in this case, the roll call majority vote is required by administrative code provision. This is not a statutory requirement.).

The following actions require a recorded roll call vote and must pass by an affirmative vote of two-thirds of the full membership of the board.

- A. Determining the necessity to sell bonds to raise money for a capital project by a type II district with a board of school estimate (N.J.S.A. 18A:22-27);
- B. Permitting the private sale of certain bonds if no legally acceptable bid is received by a type II district (N.J.S.A. 18A:24-45(c)).

The following actions require an affirmative vote of the majority of the full membership of the board. They do not require a roll call vote. Some of the statutory votes require “all of the members of the board” or a “majority of the board of education.” NJSBA believes that all of these actions require a majority of the full membership of the board. Check with your board attorney for details.

- A. Determining the sufficiency of charges to dismiss or reduce the salary of a tenured employee (N.J.S.A. 18A:6-11);
- B. Filling of vacancies on elected boards of education (“majority vote of the remaining members”) (N.J.S.A. 18A:12-15);
- C. Removing from office a president or vice president of a board for failure to perform a duty imposed upon him by law (N.J.S.A. 18A:15-2). (“majority vote of all of the members”);

VOTING METHOD (continued)

- D. Appointing, fixing the salary and defining the duties of a school business administrator or appointing a shared business administrator between two or more districts. (N.J.S.A. 18A:17-14.1). ("majority vote of all of the members");
- E. Disqualifying a bidder who would otherwise be determined to be the lowest responsible bidder due to prior negative experience (N.J.S.A. 18A:18A-4). ("majority of the board of education");
- F. Authorizing of purchase of securities (N.J.S.A. 18A:20-37). ("majority vote of all of its members");
- G. Authorizing of sale of securities (N.J.S.A. 18A:20-39). ("majority vote of all of its members");
- H. Adopting a proposal for the issuance of school bonds in type II districts without a board of school estimate (including regional districts) (N.J.S.A. 18A:24-10c);
- I. Admitting students, who have never attended public or private school, after October 1 following the opening of school for the full term (N.J.S.A. 18A:38-6). ("majority vote of all of the members");
- J. Deciding to establish, with other school districts of the county, a county educational audio-visual aids center (N.J.S.A. 18A: 51-1);
- K. Employee travel, with prior CSA approval ("majority of full voting membership") (N.J.S.A. 18A:11-12(f));
- L. Board member travel ("majority of full voting membership") (N.J.S.A. 18A:11-12(g);
- M. In a school district with a board of school estimate, approval of additional tax levy (N.J.S.A. 18A:7F-39)("majority of those board members who are present");
- N. Authorizing the lease, lease-purchase or purchase and assignment of district vehicles for the conduct of official district business. ("by an affirmative vote of the board's full membership") N.J.A.C. 6A:23A-6.12(b) (Note that in this case, the vote is required by administrative code provision. This is not a statutory requirement.)
- O. Making changes to vehicle assignment. ("authorization of an affirmative majority vote of the full board.") N.J.A.C. 6A:23A-6.12(g) (Note that in this case, the vote is required by administrative code provision. This is not a statutory requirement.)

The following actions require an affirmative vote of two-thirds of the full membership of the board. They do not require a roll call vote.

- A. Determination of member district's share of educational services commission expenses (two-thirds of representative assembly) (N.J.S.A. 18A:6-62);
- B. Adoption of new corporate name for school district composed of two or more municipalities (N.J.S.A. 18A:8-17.1);
- C. Authorization to negotiate, award or enter into a contract or agreement after the board has solicited and received at least three quotations on materials, supplies or equipment for which a state contract has been issued, and the lowest responsible quotation is at least ten percent (10%) less than the cost charged under the state contract (N.J.S.A. 18A:18A-5(e));
- D. Adopting a refunding bond ordinance by a type II school district (N.J.S.A. 18A:24-61.4);
- E. Selling or exchanging refunding bonds (N.J.S.A. 18A:24-61.9);
- F. Endorsing approval of a lease purchase and authorizing the superintendent and/or board secretary to

VOTING METHOD (continued)

advertise and solicit proposals in connection with a lease purchase, and to request state approval of a lease purchase of five years or less (N.J.A.C. 6A:26-10.3(h)). (Note that in this case, the two-thirds majority vote is required by administrative code provision. This is not a statutory requirement.);

- G. Endorsing approval of a lease of facilities in excess of five years and authorizing the board of education to request approval of an amendment to its long range facilities plan to reflect the leased facility (N.J.A.C. 6A:26-10.11 (c)). (Note that in this case, the two-thirds majority vote is required by administrative code provision. This is not a statutory requirement.).

The following actions require an affirmative vote of two thirds of the “authorized membership” of the school board. “Authorized membership of the school board” means the full membership of the district board of education as established pursuant to N.J.S.A. 18A:12.

- A. Transferring amounts among line items and program categories (N.J.S.A. 18A:22-8.1, N.J.A.C. 6A:23A-13.3 (f));
- B. Petitioning the commissioner for authority to make a transfer of surplus, unbudgeted or under budgeted revenue amounts to line items and program categories prior to April 1 due to an emergent circumstance (N.J.S.A. 18A:22-8.1, N.J.A.C. 6A:23A-13.3(c));
- C. Petitioning the commissioner for authority to make a transfer of surplus, unbudgeted or under budgeted revenue amounts to line items and program categories between April 1 and June 30 in order to achieve the thoroughness standards for the current year (N.J.S.A. 18A:22-8.1, N.J.A.C. 6A:23A-13.3(b)). Note that the Abbott code speaks to achieving the efficiency and effectiveness standards, not the thoroughness standards;
- D. Authorization to negotiate and award a contract or agreement after twice advertising for bids pursuant to N.J.S.A. 18A:18A-4, with subsequent failure to receive any bids (N.J.S.A. 18A:18A-5(c));
- E. Authorization to negotiate and award a contract or agreement after twice advertising for bids and having rejected those bids for appropriate reasons (N.J.S.A. 18A:18A-5(c));
- F. Authorization to negotiate and award a contract or agreement after twice advertising for bids and having once failed to receive bids and having once rejected bids received for appropriate reasons (N.J.S.A. 18A:18A-5 (c)).

The following action requires an affirmative vote of three-quarters of the members present. It does not require a roll call vote.

- A. Calling an emergency meeting of the board without providing adequate prior notice (N.J.S.A. 10:4-9).

When in doubt or where a question exists concerning the formal requirements of a vote, the board should take action by roll call vote and should consult its board attorney.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9326

 X **Monitored**

 Mandated

 X **Other Reasons**

Bylaw

MINUTES

The minutes of all meetings of the board shall be sufficiently detailed to serve as documentation of board compliance with New Jersey statutes and administrative code.

The minutes of the meetings of the board of education shall include:

- A. The classification (regular, adjourned or special), date, and place of meeting;
- B. The call to order stating time, person presiding and his/her office;
- C. The record of the roll call of board members;
- D. A notation of the presence of the superintendent, school business administrator, board secretary, administrators and the public;
- E. Announcement of notification listing the newspapers by name;
- F. A record of any corrections to the minutes of the previous meetings and the action approving them;
- G. A record of all communications presented to the board; and
- H. A record of each motion placed before the board, the result of the vote, and the vote of each member.

A copy of the minutes of the previous meeting shall be sent to all board members along with agenda materials.

The minutes shall be filed permanently for reference purposes.

All reports requiring board action, resolutions, agreements and other written documents shall be placed in the files of the board secretary and/or the superintendent as a permanent record.

Minutes of Closed Meetings

The minutes of closed meetings must be made available to the public as soon as the reason for confidentiality no longer applies. When a closed meeting deals with more than one privileged matter, the minutes shall be prepared in such a way that each matter can be separated and disclosed in a timely manner.

Public Access to Minutes

Minutes of all regular meetings shall be available to the public for inspection within two weeks of the meeting.

The board secretary (or other person deemed to be the custodian of public records) shall permit the minutes to be inspected, examined and copied by any person during regular business hours. The board may charge a fee for copies of the minutes as provided by law.

Official Tapes of Public Meetings

The board secretary may make video or audio recordings of public meetings of the board in order to assure proper documentation of occurrences and the preparation or transcription of minutes. All video or audio

MINUTES (continued)

recordings are the sole property of the board, and any individual requesting access to these materials must do so in writing five working days in advance. The video or audio recordings shall not be removed from the board office and must be played in the presence of the board secretary/designee. All video or audio recordings shall be stored in a locked cabinet located in the board office and shall be retained under the New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS) schedule for 45 days or until official transcripts or minutes are prepared and adopted, whichever is longer.

Video and Audio Recordings by Members of the Public

Any member of the public is entitled to make an audio or video recording of a board of education meeting; subject to reasonable restrictions including that the taping will minimize intrusiveness and not interrupt the proceedings. Any person wishing to make an audio or video recording of a meeting shall provide written notice of their name, address and telephone number and will consent to the board, at its own expense and upon request, to make a reproduction of the recording. Absent prior board approval, no additional artificial lighting shall be permitted. No electrical or other wiring is allowed due to the danger of entanglement and tripping. All persons recording board proceedings shall hold the board harmless against all damage or injury whether to equipment, to themselves or to others. To protect privacy, there shall be no recording of closed executive sessions and no audio pick-up of private conversations occurring in the audience or between the board and its attorney. Persons making video or audio recordings of public meetings shall not move around the room while meetings are in session and equipment, once positioned, shall not be moved during the board meeting. Unless waived by the board, no more than two portable video cameras, operated by not more than two persons, shall be allowed, on a first-come, first-served basis. Following the adjournment of the board's meeting, any persons responsible for recording shall immediately remove all equipment and restore the facility to the same condition it was in immediately prior to the recording equipment being set up.

Adopted: December 12, 2007, September 12, 2018
 NJSBA Review/Update: May 2022
 Readopted: March 8, 2023

Key Words

Minutes, Board Meeting Minutes, Records, District Records and Reports

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
See particularly:
N.J.S.A. 10:4-10, -14
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:17-7 Secretary to give notices and keep minutes, etc.
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 47:1A-1 et seq. Public Records; Examination and Copies (Open Public Records Act)
N.J.A.C. 6A:8-4.3 Accountability
N.J.A.C. 6A:30-2.1 NJQSAC

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Maurice River Board of Education v. Maurice River Teachers Assn. 193 N.J. Super. 488 (App. Div. 1984)

Matawan Ed. Ass'n. v. Matawan-Aberdeen Ed. Bd., 212 N.J. Super. 328

MINUTES (continued)

Liebeskind v. Mayor & Mun. Coun. of Bayonne, 265 N.J. Super. 389, 400-401 (App. Div. 1993)

Atlantic City Convention Center Authority v. South Jersey Publishing Co., Inc., 135 N.J. 53 (1994). Tapes made during closed government meetings are common law public records, subject to the removal of any confidential or privileged information before disclosure. "Blanket access to the tapes would not be required: rather, access could be limited to those portions of the tapes necessary to vindicate the public interest."

Robert Wayne Tarus v. Borough of Pine Hill, et al., NJ Supreme Court (A-93-2005, decided March 7, 2007). The public's right of access to governmental proceedings includes the right to videotape.

New Jersey Department of State, Division of Archives and Records Management,
School District Records Retention Schedule

Possible

Cross References: *3570 District records and reports
9123 Appointment of board secretary

*Indicates policy is included in the Critical Policy Reference Manual.

SALEM CITY BOARD OF EDUCATION
Salem, New Jersey

FILE CODE: 9400

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

Bylaw

BOARD SELF-EVALUATION

The members of the Salem City Board of Education shall conduct an annual self-evaluation to determine the degree to which they are meeting their responsibilities as board members and the needs of their educational community. This self-evaluation shall be positive, frank and honest, and shall be the board's professional development improvement plan that establishes priorities for action and specific goals and objectives to strengthen the operation of the board.

The board shall use a multifaceted self-evaluation instrument.

Adopted: June 12, 2022, December 12, 2007, June 12, 2018

NJSBA Review/Update: May 2022

Readopted: March 8, 2023

Key Words

Board Self-evaluation, Evaluation

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *2131 Superintendent
*9000 Role of the board

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

RECOGNITION AND CONDOLENCES

Staff Accomplishments

The Salem City Board of Education directs the superintendent to employ all appropriate means to provide for continuous and candid reports of staff accomplishments in the pursuit of district goals and objectives and to establish reliable indicators of accomplishment. The purpose of these accomplishment reports shall be to provide the board with information needed for making continual policy and planning decisions.

Staff and Board Member Recognition

Wishing to recognize the loyalty and service of long-time employees and board members with a tangible proof of appreciation, the board directs the superintendent to procure appropriate certificates, plaques, or other appropriate symbols of recognition for employees who are retiring from active employment in the district and board members who have completed full terms of office. Recognition is to be made on a nondiscriminatory basis.

Condolences

In the event of any death of any current employee, retired employee, or spouse of employee, the board will place a memorial book in the appropriate school library in memory of the deceased. Next of kin will be sent a letter by the board secretary/Business administrator informing him/her of this action.

The memorial book will contain a bookplate with the inscription that includes the name of the person memorialized.

Memorial Funds

In the case of the death of an employee during active service in the Salem City School District, the board may, upon recommendation of the superintendent, encourage participation in a memorial fund scholarship. Such participation by the board may be unilateral or may, if the board desires, be in cooperation with the Salem City Teachers' Association or any other agency recognized by the board.

Adopted:	December 12, 2007, September 12, 2018
NJSBA Review/Update:	May 2022
Readopted:	March 8, 2023

Key Words

Recognition, Awards, Retirement

Possible

<u>Cross References:</u>	*1100	Communicating with the public
	*1120	Board of education meetings
	*3100	Budget planning, preparation and adoption

*3570	District records and reports
*5145.5	Photographs of students
*9322	Public and executive sessions
*9323/9324	Agenda preparation/advance delivery of meeting material
*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

ALPHABETICAL INDEX

This index references the NJSBA master list of policy topics, titles and file codes. Your manual may not contain all the policies listed in the index. The **bold print** policy numbers indicate that the policy is in the Critical Policy Reference Manual (CPRM).

If you find a file code number and policy title that is not in your manual and you would like to see a district sample, please call NJSBA Policy Services at (609)278-5222 and we would be happy to provide you a district sample.

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